

Office of Legislative Oversight Report 2010-3

EVALUATION OF MONTGOMERY COUNTY'S SAFE SPEED PROGRAM

APPENDICES

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LEXSEE 2006 MD CHAP 15

MARYLAND ADVANCE LEGISLATIVE SERVICE

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MARYLAND 2005 REGULAR SESSION - 419TH SESSION OF THE GENERAL ASSEMBLY

CHAPTER 15

HOUSE BILL NO. 443

2006 Md. ALS 15; 2006 Md. Laws 15; 2006 Md. Chap. 15; 2005 Md. HB 443

BILL TRACKING SUMMARY FOR THIS DOCUMENT

SYNOPSIS: AN ACT concerning

Montgomery County - Vehicle Laws - Speed Monitoring Systems MC 513-05

FOR the purpose of authorizing the placement of certain speed monitoring systems on certain highways in Montgomery County; requiring a certain speed monitoring system operator to complete certain training; requiring a speed monitoring system to undergo certain calibration; providing that certain persons recorded by a speed monitoring system while operating a motor vehicle in violation of certain speed limit laws are subject to certain penalties; requiring certain local police departments in Montgomery County to mail a citation to the owner of a motor vehicle that is recorded by a speed monitoring system in the county to be in violation of certain laws regarding the operation of a motor vehicle in excess of certain speed limits; establishing a certain maximum fine for a violation of law enforced by means of a speed monitoring system under this Act; requiring a citation to include certain information; authorizing the local police department to send a warning instead of a citation; authorizing the local police department to reissue a citation to the driver of a vehicle under certain circumstances; requiring certain citations to be mailed within certain time periods; requiring the District Court to prescribe a certain citation form and a civil penalty to be indicated on the citation; establishing the standard of proof in a trial for a violation of law enforced by means of a speed monitoring system under this Act; requiring the Chief Judge of the District Court, in consultation with certain county agencies, to adopt certain procedures; authorizing persons receiving citations to have the speed monitoring system operator be present and testify at trial; providing that certain persons are responsible for paying the civil penalty indicated on the citation under certain circumstances; providing that persons receiving citations may elect to stand trial in the District Court; establishing defenses that the District Court may consider; authorizing vehicle owners to submit a certain letter to the District Court to establish a certain defense; authorizing the Motor Vehicle Administration to impose certain penalties if the person cited under this Act fails to pay the civil penalty or contest liability; prohibiting imposition of liability under this Act from being considered for certain purposes; providing for the admissibility and use of certain evidence; modifying the jurisdiction of the District Court to include certain proceedings; providing for the handling of certain court costs and penalties; defining certain terms; clarifying certain language; prohibiting the custodian of recorded images produced by a speed monitoring system from allowing inspection of the recorded images, subject to certain exceptions; providing that the fees of certain contractors may not be contingent on the number of citations issued under this Act; restricting the use of certain revenues generated by this Act; providing for the application of this Act; providing that existing obligations or contracts may not be impaired by this Act; requiring Montgomery County to report to the General Assembly on or before a certain date; and generally relating to imposition of liability on certain persons recorded by speed monitoring systems violating certain laws regarding the operation of motor vehicles in excess of certain speed limits.

BY repealing and reenacting, with amendments, Article - Courts and Judicial Proceedings Section 4-401(13), 7-301(a), 7-302(e), and 10-311 Annotated Code of Maryland (2002 Replacement Volume and 2004 Supplement)

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BY repealing and reenacting, with amendments, Article - Insurance Section 11-215(e) and 11-318(e) Annotated Code of Maryland (2003 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments, Article - State Government Section 10-616(o) Annotated Code of Maryland (1999 Replacement Volume and 2004 Supplement)

BY adding to Article - Transportation Section 21-809 Annotated Code of Maryland (2002 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments, Article - Transportation Section 26-305(a) and 26-401 Annotated Code of Maryland (2002 Replacement Volume and 2004 Supplement)

NOTICE: [A> UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED <A]

[D> Text within these symbols is deleted <D]

To view the next section, type .np* TRANSMIT.

To view a specific section, transmit p* and the section number. e.g. p*1

[*1] SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Courts and Judicial Proceedings

4-401.

Except as provided in Section 4-402 of this subtitle, and subject to the venue provisions of Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

(13) A proceeding for a civil infraction under Section 21-202.1 [A> OR SECTION 21-809 <A] of the Transportation Article;

7-301.

(a) The court costs in a traffic case, including parking and impounding cases and cases under Section 21-202.1 [A> OR SECTION 21-809 <A] of the Transportation Article in which costs are imposed, are \$ 20. Such costs shall also be applicable to those cases in which the defendant elects to waive his right to trial and pay the fine or penalty deposit established by the Chief Judge of the District Court by administrative regulation. In an uncontested case under Section 21-202.1 [A> OR SECTION 21-809 <A] of the Transportation Article or uncontested parking or impounding case in which the fines are paid directly to a political subdivision or municipality, costs are \$ 2.00, which costs shall be paid to and retained by the political subdivision or municipality. In an uncontested case in which the fine is paid directly to an agency of State government authorized by law to regulate parking of motor vehicles, the costs are \$ 2.00. The fine and the costs shall be paid to the agency, which shall receive and account for these funds as in all other cases involving sums due the State through a State agency.

7-302.

(e) (1) A citation issued pursuant to Section 21-202.1 [A> OR SECTION 21-809 <A] of the Transportation Article shall provide that the person receiving the citation may elect to stand trial by notifying the issuing agency of the person's intention to stand trial at least 5 days prior to the date of payment as set forth in the citation. On receipt of the notice to stand trial, the agency shall forward to the District Court having venue a copy of the citation and a copy of the notice from the person who received the citation indicating the person's intention to stand trial. On receipt thereof, the District Court shall schedule the case for trial and notify the defendant of the trial date under procedures adopted by the Chief Judge of the District Court.

(2) A citation issued as the result of a traffic control signal monitoring system [A> OR SPEED MONITORING SYSTEM <A] controlled by a political subdivision shall provide that, in an uncontested case, the penalty shall be paid directly to that political subdivision. A citation issued as the result of a traffic control signal monitoring system con-

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trolled by a State agency [A] OR A SPEED MONITORING SYSTEM, IN A CASE CONTESTED IN DISTRICT COURT, <A] shall provide that the penalty shall be paid directly to the District Court.

(3) Civil penalties resulting from citations issued using traffic control signal monitoring systems [A] OR SPEED MONITORING SYSTEMS <A] that are collected by the District Court shall be collected in accordance with subsection (a) of this section and distributed in accordance with Section 12-118 of the Transportation Article.

10-311.

(A) A recorded image of a motor vehicle produced by a traffic control signal monitoring system in accordance with Section 21-202.1 of the Transportation Article is admissible in a proceeding concerning a civil citation issued under that section for a violation of Section 21-202(h) of the Transportation Article without authentication.

[A] (B) A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A SPEED MONITORING SYSTEM IN ACCORDANCE WITH SECTION 21-809 OF THE TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A CIVIL CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF TITLE 21, SUBTITLE 8 OF THE TRANSPORTATION ARTICLE WITHOUT AUTHENTICATION. <A]

(C) In any other judicial proceeding, a recorded image produced by a traffic control signal monitoring system [A] OR SPEED MONITORING SYSTEM <A] is admissible as otherwise provided by law.

Article - Insurance

11-215.

(e) For purposes of reclassifying an insured in a classification that entails a higher premium, an insurer under an automobile insurance policy may not consider a probation before judgment disposition of a motor vehicle law offense, a civil penalty imposed pursuant to Section 21-202.1 [A] OR SECTION 21-809 <A] of the Transportation Article, or a first offense of driving with an alcohol concentration of 0.08 or more under Section 16-205.1 of the Transportation Article on record with the Motor Vehicle Administration, as provided in Section 16-117(b) of the Transportation Article.

11-318.

(e) For purposes of reclassifying an insured in a classification that entails a higher premium, an insurer under an automobile insurance policy may not consider a probation before judgment disposition of a motor vehicle law offense, a civil penalty imposed pursuant to Section 21-202.1 [A] OR SECTION 21-809 <A] of the Transportation Article, or a first offense of driving with an alcohol concentration of 0.08 or more under Section 16-205.1 of the Transportation Article on record with the Motor Vehicle Administration, as provided in Section 16-117(b) of the Transportation Article.

Article - State Government

10-616.

(o) (1) In this subsection, "recorded images" has the meaning stated in Section 21-202.1 [A] OR SECTION 21-809 <A] of the Transportation Article.

(2) Except as provided in paragraph (3) of this subsection, a custodian of recorded images produced by a traffic control signal monitoring system operated under Section 21-202.1 of the Transportation Article [A] OR A SPEED MONITORING SYSTEM OPERATED UNDER SECTION 21-809 OF THE TRANSPORTATION ARTICLE <A] shall deny inspection of the recorded images.

(3) A custodian shall allow inspection of recorded images:

- (i) as required in Section 21-202.1 or Section 21-809 of the Transportation Article;
- (ii) by any person issued a citation under Section 21-202.1 or Section 21-809 of the Transportation Article, or an attorney of record for the person; or
- (iii) by an employee or agent of a law enforcement agency in an investigation or proceeding relating to the imposition of or indemnification from civil liability pursuant to Section 21-202.1 or Section 21-809 of the Transportation Article.

Article - Transportation

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[A> 21-809. <A]

[A> (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED. <A]

[A> (2) "LOCAL POLICE DEPARTMENT" MEANS: <A]

[A> (I) THE MONTGOMERY COUNTY DEPARTMENT OF POLICE; AND <A]

[A> (II) THE POLICE DEPARTMENT OF ANY MUNICIPAL CORPORATION IN MONTGOMERY COUNTY. <A]

[A> (3) (I) "OWNER" MEANS THE REGISTERED OWNER OF A MOTOR VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR MORE. <A]

[A> (II) "OWNER" DOES NOT INCLUDE: <A]

[A> 1. A MOTOR VEHICLE RENTAL OR LEASING COMPANY; OR <A]

[A> 2. A HOLDER OF A SPECIAL REGISTRATION PLATE ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE. <A]

[A> (4) "RECORDED IMAGE" MEANS AN IMAGE RECORDED BY A SPEED MONITORING SYSTEM: <A]

[A> (I) ON: <A]

[A> 1. A PHOTOGRAPH; <A]

[A> 2. A MICROPHOTOGRAPH; <A]

[A> 3. AN ELECTRONIC IMAGE; <A]

[A> 4. VIDEOTAPE; OR <A]

[A> 5. ANY OTHER MEDIUM; AND <A]

[A> (II) SHOWING: <A]

[A> 1. THE REAR OF A MOTOR VEHICLE; <A]

[A> 2. AT LEAST TWO TIME-STAMPED IMAGES OF THE MOTOR VEHICLE THAT INCLUDE THE SAME STATIONARY OBJECT NEAR THE MOTOR VEHICLE; AND <A] [D> , <D]

[A> 3. ON AT LEAST ONE IMAGE OR PORTION OF TAPE, CLEARLY IDENTIFYING THE REGISTRATION PLATE NUMBER OF THE MOTOR VEHICLE. <A]

[A> (5) "SPEED MONITORING SYSTEM" MEANS A DEVICE WITH ONE OR MORE MOTOR VEHICLE SENSORS PRODUCING RECORDED IMAGES OF MOTOR VEHICLES TRAVELING AT SPEEDS AT LEAST 10 MILES PER HOUR ABOVE THE POSTED SPEED LIMIT. <A]

[A> (6) "SPEED MONITORING SYSTEM OPERATOR" MEANS AN INDIVIDUAL WHO OPERATES A SPEED MONITORING SYSTEM. <A]

[A> (B) (1) THIS SECTION APPLIES TO A VIOLATION OF THIS SUBTITLE THAT OCCURS IN MONTGOMERY COUNTY RECORDED BY A SPEED MONITORING SYSTEM THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION AND HAS BEEN PLACED: <A]

[A> (I) ON A HIGHWAY IN A RESIDENTIAL DISTRICT AS DEFINED IN SECTION 21-101 OF THIS TITLE: <A]

[A> 1. WITH A MAXIMUM POSTED SPEED LIMIT OF 35 MILES PER HOUR; AND <A]

[A> 2. THAT HAS A SPEED LIMIT THAT WAS ESTABLISHED USING GENERALLY ACCEPTED TRAFFIC ENGINEERING PRACTICES; OR <A]

[A> (II) IN A SCHOOL ZONE ESTABLISHED UNDER SECTION 21-803.1 OF THIS SUBTITLE. <A]

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[A> (2) (I) A SPEED MONITORING SYSTEM OPERATOR SHALL COMPLETE TRAINING BY A MANUFACTURER OF SPEED MONITORING SYSTEMS IN THE PROCEDURES FOR SETTING UP AND OPERATING THE SPEED MONITORING SYSTEM. <A]

[A> (II) THE MANUFACTURER SHALL ISSUE A SIGNED CERTIFICATE TO THE SPEED MONITORING SYSTEM OPERATOR UPON COMPLETION OF THE TRAINING. <A]

[A> (III) THE CERTIFICATE OF TRAINING SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF THIS SECTION. <A]

[A> (3) A SPEED MONITORING SYSTEM OPERATOR SHALL FILL OUT AND SIGN A DAILY SET-UP LOG FOR A SPEED MONITORING SYSTEM THAT: <A]

[A> (I) STATES THAT THE SPEED MONITORING SYSTEM OPERATOR SUCCESSFULLY PERFORMED THE MANUFACTURER-SPECIFIED SELF-TEST OF THE SPEED MONITORING SYSTEM PRIOR TO PRODUCING A RECORDED IMAGE; <A]

[A> (II) SHALL BE KEPT ON FILE; AND <A]

[A> (III) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF THIS SECTION. <A]

[A> (4) (I) A SPEED MONITORING SYSTEM SHALL UNDERGO AN ANNUAL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION LABORATORY. <A]

[A> (II) THE INDEPENDENT CALIBRATION LABORATORY SHALL ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION CHECK, WHICH: <A]

[A> 1. SHALL BE KEPT ON FILE; AND <A]

[A> 2. SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF THIS SECTION. <A]

[A> (C) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER OR, IN ACCORDANCE WITH SUBSECTION (F)(4) OF THIS SECTION, THE DRIVER OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS RECORDED BY A SPEED MONITORING SYSTEM WHILE BEING OPERATED IN VIOLATION OF THIS SUBTITLE. <A]

[A> (2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED <A] [D> \$ 100 <D] [A> \$ 40. <A]

[A> (3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL PRESCRIBE: <A]

[A> (I) A UNIFORM CITATION FORM CONSISTENT WITH SUBSECTION <A]

[A> (D)(1) OF THIS SECTION AND SECTION 7-302 OF THE COURTS ARTICLE; AND <A]

[A> (II) A CIVIL PENALTY, WHICH SHALL BE INDICATED ON THE CITATION, TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL PENALTY WITHOUT APPEARING IN DISTRICT COURT. <A]

[A> (D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION, THE LOCAL POLICE DEPARTMENT SHALL MAIL TO THE OWNER, LIABLE UNDER SUBSECTION (C) OF THIS SECTION, A CITATION THAT SHALL INCLUDE: <A]

[A> (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE VEHICLE; <A]

[A> (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE INVOLVED IN THE VIOLATION; <A]

[A> (III) THE VIOLATION CHARGED; <A]

[A> (IV) THE LOCATION WHERE THE VIOLATION OCCURRED; <A]

[A> (V) THE DATE AND TIME OF THE VIOLATION; <A]

[A> (VI) A COPY OF THE RECORDED IMAGE; <A]

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[A> (VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE DATE BY WHICH THE CIVIL PENALTY SHOULD BE PAID; <A]

[A> (VIII) A SIGNED STATEMENT BY A DULY AUTHORIZED AGENT OF THE LOCAL POLICE DEPARTMENT THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR VEHICLE WAS BEING OPERATED IN VIOLATION OF THIS SUBTITLE; <A]

[A> (IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF A VIOLATION OF THIS SUBTITLE; <A]

[A> (X) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE UNDER THIS SECTION OF THE MANNER AND TIME IN WHICH LIABILITY AS ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND <A]

[A> (XI) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE UNDER THIS SECTION THAT FAILURE TO PAY THE CIVIL PENALTY OR TO CONTEST LIABILITY IN A TIMELY MANNER: <A]

[A> 1. IS AN ADMISSION OF LIABILITY; <A]

[A> 2. MAY RESULT IN THE REFUSAL BY THE ADMINISTRATION TO REGISTER THE MOTOR VEHICLE; AND <A]

[A> 3. MAY RESULT IN THE SUSPENSION OF THE MOTOR VEHICLE REGISTRATION. <A]

[A> (2) THE LOCAL POLICE DEPARTMENT MAY MAIL A WARNING NOTICE INSTEAD OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION. <A]

[A> (3) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, THE LOCAL POLICE DEPARTMENT MAY NOT MAIL A CITATION TO A PERSON WHO IS NOT AN OWNER. <A]

[A> (4) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN THIS STATE, AND 30 DAYS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN ANOTHER STATE. <A]

[A> (5) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY: <A]

[A> (I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE MONTGOMERY COUNTY DEPARTMENT OF FINANCE; OR <A]

[A> (II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR THE ALLEGED VIOLATION. <A]

[A> (E) (1) A CERTIFICATE ALLEGING THAT THE VIOLATION OF THIS SUBTITLE OCCURRED AND THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION HAVE BEEN SATISFIED, SWORN TO, OR AFFIRMED BY A DULY AUTHORIZED AGENT OF THE LOCAL POLICE DEPARTMENT, BASED ON INSPECTION OF RECORDED IMAGES PRODUCED BY A SPEED MONITORING SYSTEM, SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE CERTIFICATE AND SHALL BE ADMISSIBLE IN A PROCEEDING ALLEGING A VIOLATION UNDER THIS SECTION WITHOUT THE PRESENCE OR TESTIMONY OF THE SPEED MONITORING SYSTEM OPERATOR WHO PERFORMED THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION. <A]

[A> (2) IF A PERSON WHO RECEIVED A CITATION UNDER SUBSECTION (D) OF THIS SECTION DESIRES THE SPEED MONITORING SYSTEM OPERATOR TO BE PRESENT AND TESTIFY AT TRIAL, THE PERSON SHALL NOTIFY THE COURT AND THE STATE IN WRITING NO LATER THAN 20 DAYS BEFORE TRIAL. <A]

[A> (3) ADJUDICATION OF LIABILITY SHALL BE BASED ON A PREPONDERANCE OF EVIDENCE. <A]

[A> (F) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A VIOLATION: <A]

[A> (I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES OF THE MOTOR VEHICLE WERE STOLEN BEFORE THE VIOLATION OCCURRED

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AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION; <A]

[A> (II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND <A]

[A> (III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT COURT DEEMS PERTINENT. <A]

[A> (2) IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN A TIMELY MANNER. <A]

[A> (3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE PERSON AND MAILED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT: <A]

[A> (I) STATES THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; <A]

[A> (II) PROVIDES THE NAME, ADDRESS, AND, IF POSSIBLE, THE DRIVER'S LICENSE IDENTIFICATION NUMBER OF THE PERSON WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND <A]

[A> (III) INCLUDES ANY OTHER CORROBORATING EVIDENCE. <A]

[A> (4) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (3) OF THIS SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE VIOLATION, THE CLERK OF THE COURT SHALL PROVIDE TO THE LOCAL POLICE DEPARTMENT A COPY OF ANY EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION. <A]

[A> (II) ON RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE LOCAL POLICE DEPARTMENT MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (D) OF THIS SECTION TO THE PERSON WHO THE EVIDENCE INDICATES WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION. <A]

[A> (III) A CITATION ISSUED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER RECEIPT OF THE EVIDENCE FROM THE DISTRICT COURT. <A]

[A> (G) IF A PERSON LIABLE UNDER THIS SECTION DOES NOT PAY THE CIVIL PENALTY OR CONTEST THE VIOLATION, THE ADMINISTRATION: <A]

[A> (1) MAY REFUSE TO REGISTER OR REREGISTER THE MOTOR VEHICLE CITED FOR THE VIOLATION; OR <A]

[A> (2) MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE CITED FOR THE VIOLATION. <A]

[A> (H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS SECTION: <A]

[A> (1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING POINTS UNDER SECTION 16-402 OF THIS ARTICLE; <A]

[A> (2) MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OR DRIVER OF THE VEHICLE; <A]

[A> (3) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF SECTION 26-305 OF THIS ARTICLE; AND <A]

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[A] (4) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE. <A]

[A] (I) IN CONSULTATION WITH THE MONTGOMERY COUNTY DEPARTMENT OF FINANCE AND THE LOCAL POLICE DEPARTMENTS, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE OF CITATIONS, THE TRIAL OF CIVIL VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES UNDER THIS SECTION. <A]

[A] (J) IF A CONTRACTOR OPERATES A SPEED MONITORING SYSTEM ON BEHALF OF MONTGOMERY COUNTY, THE CONTRACTOR'S FEE MAY NOT BE CONTINGENT ON THE NUMBER OF CITATIONS ISSUED OR PAID. <A]

26-305.

(a) The Administration may not register or transfer the registration of any vehicle involved in a parking violation under this subtitle, a violation under any federal parking regulation that applies to property in this State under the jurisdiction of the U. S. government, or a violation of Section 21-202(h) of this article as determined under Section 21-202.1 of this article [A] OR TITLE 21, SUBTITLE 8 OF THIS ARTICLE AS DETERMINED UNDER SECTION 21-809 OF THIS ARTICLE, <A] if:

(1) It is notified by a political subdivision or authorized State agency that [D] a <D] [A] THE <A] person cited for [D] a <D] [A] THE <A] violation under this subtitle or Section 21-202.1 [A] OR SECTION 21-809 <A] of this article has failed to either:

- (i) Pay the fine for the violation by the date specified in the citation; or
- (ii) File a notice of his intention to stand trial for the violation;

(2) It is notified by the District Court that a person who has elected to stand trial for the violation under this subtitle or under Section 21-202.1 [A] OR SECTION 21-809 <A] of this article has failed to appear for trial; or

(3) It is notified by a U. S. District Court that a person cited for a violation under a federal parking regulation:

- (i) Has failed to pay the fine for the violation by the date specified in the federal citation; or
- (ii) Either has failed to file a notice of his intention to stand trial for the violation, or, if electing to stand trial, has failed to appear for trial.

26-401.

If a person is taken before a District Court commissioner or is given a traffic citation or a civil citation under Section 21-202.1 [A] OR SECTION 21-809 <A] of this article containing a notice to appear in court, the commissioner or court shall be one that sits within the county in which the offense allegedly was committed.

[*2] SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) Beginning in fiscal year 2006 and each fiscal year thereafter, Montgomery County shall use the revenues generated from the enforcement of speed limit laws as authorized under this Act solely to increase local expenditures for related public safety purposes, including pedestrian safety programs; and

(2) Related public safety expenditures required under this section shall be used to supplement and may not supplant existing local expenditures for the same purpose.

[*3] SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any contract awarded before the effective date of this Act.

[*4] SECTION 4. AND BE IT FURTHER ENACTED, That an obligation or contract right existing on the effective date of this Act may not be impaired in any way by this Act.

[*5] SECTION 5. AND BE IT FURTHER ENACTED, That the Montgomery County Council shall report to the General Assembly on or before December 31, 2009, in accordance with Section 2-1246 of the State Government Article, on the effectiveness of speed monitoring systems in Montgomery County.

[*6] SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.

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HISTORY:

Enacted via veto override, January 25, 2006

SPONSOR: Introduced by Montgomery County Delegation

CHAPTER 500

(Senate Bill 277)

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Highway Work Zones

FOR the purpose of expanding to all counties and municipalities in the State the authority to use certain speed monitoring systems to enforce certain highway speed laws under certain standards and procedures; altering the speed of a motor vehicle at which a speed monitoring system will produce a recorded image of the vehicle; prohibiting the use of a speed monitoring system in a local jurisdiction unless authorized by the governing body by ordinance or resolution adopted after reasonable notice and a public hearing; requiring a county, before using a speed monitoring system at certain locations, to obtain certain approval, provide certain notice, and provide a municipal corporation instead of the county the opportunity to use a speed monitoring system at the locations; requiring certain local ordinances or resolutions to provide for the issuance of warnings during a certain period for certain violations; ~~increasing the maximum speed limit for the purpose of establishing residential highways on which speed laws may be enforced using speed monitoring systems~~ limiting the operation of a speed monitoring system in a school zone; requiring a local jurisdiction to publish a certain notice before activating a certain speed monitoring system; ~~requiring a certain speed monitoring system placed in a certain location to be calibrated only to record images of motor vehicles traveling at or above a certain speed~~; repealing a certain requirement that an individual provide certain information to satisfy a certain evidentiary burden; requiring the Chief Judge of the District Court to consult with certain agencies in adopting certain procedures; clarifying that certain fines for certain motor vehicle violations shall be paid to the District Court; expanding the pool of entities authorized to administer a speed monitoring program; authorizing the placement of certain work zone speed control systems on certain highways under certain circumstances; ~~requiring the Comptroller to distribute to the State Highway Administration the revenues from certain civil fines collected under this Act in an amount to cover the costs of implementing and administering the work zone speed control system to be distributed to a certain special fund to be used only for certain purposes~~; limiting the issuance of citations to owners or drivers of vehicles that exceed certain speeds; requiring a work zone speed control system operator to complete certain training and follow certain procedures; requiring a work zone speed control system to undergo certain calibration; requiring the procurement of a work zone speed control system by a unit of State government to be conducted in a certain manner; requiring the State Highway Administration to place a certain road sign within

a reasonable distance of a highway work zone containing a speed monitoring system; providing that certain owners or drivers of motor vehicles, recorded by a work zone speed control system while being operated in violation of certain speed limit laws, are subject to certain penalties; authorizing certain police departments to mail a certain citation to the owner of a motor vehicle; establishing certain civil penalties for a violation of certain provisions of this Act; requiring certain citations to include certain information; authorizing a police department to send a warning instead of a citation under certain circumstances; authorizing the police department to reissue a citation to the driver of a vehicle under certain circumstances; requiring certain citations to be mailed within certain time periods; requiring the District Court to prescribe a certain citation form and to indicate the amount of a certain civil penalty on the citation; establishing the standard of proof in a trial for certain violations of this Act; authorizing persons receiving certain citations to have the work zone speed control system operator be present and able to testify at trial; providing that certain persons are responsible for paying the civil penalty indicated on the citation under certain circumstances; providing that persons receiving certain citations may elect to stand trial in the District Court; establishing defenses that the District Court may consider; authorizing vehicle owners to submit a certain letter to the District Court to establish a certain defense; authorizing the Motor Vehicle Administration to impose certain penalties if the person cited for violating certain provisions of this Act fails to pay the civil penalty or contest liability; prohibiting certain violations under this Act from being considered for certain purposes; providing for the admissibility and use of certain evidence; modifying the jurisdiction of the District Court to include certain proceedings; providing for the handling of certain court costs and penalties; clarifying certain language; prohibiting an insurer from considering a certain civil penalty for purposes of reclassifying an insured; prohibiting the custodian of recorded images produced by a work zone speed control system from allowing inspection of the recorded images, subject to certain exceptions; requiring the Department of State Police and the State Highway Administration jointly to adopt regulations establishing the standards and procedures for work zone speed control systems; requiring certain State and local entities to administer and process civil citations issued under this Act in consultation with the District Court; providing that the fees of certain contractors may not be contingent on the number of citations issued or paid under this Act; requiring the issuance of warnings for a certain time period for certain violations; defining certain terms; repealing a certain definition; altering a certain definition; making certain stylistic changes; making a technical correction; restricting the use of certain revenues generated by this Act; ~~requiring a local jurisdiction to remit revenue generated from the use of speed monitoring systems to the Comptroller for deposit to the General Fund of the State if the revenue is not spent within a certain period of time~~ providing for the distribution of certain revenues collected by political subdivisions as a result of violations enforced by speed monitoring systems; requiring a political subdivision to submit a certain report under certain circumstances; providing for the application of this Act; providing that

existing obligations or contract rights may not be impaired by this Act; providing that certain provisions of this Act do not apply to certain speed monitoring systems in Montgomery County; requiring certain local jurisdictions to issue a certain report by a certain date; providing for a delayed effective date for certain provisions of this Act; and generally relating to the use of speed monitoring systems to enforce certain laws regarding the operation of motor vehicles in excess of certain speed limits.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(13), 7–301(a), 7–302(e), and 10–311
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 11–215(e) and 11–318(e)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–616(o)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–118(c), 21–809, 26–305(a), and 26–401
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Transportation
Section 12–118(e) and 21–810
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–118(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)
(As enacted by Section 1 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

7-302.

(e) (1) A citation issued pursuant to § 21-202.1 or § 21-809 of the Transportation Article shall provide that the person receiving the citation may elect to stand trial by notifying the issuing agency of the person's intention to stand trial at least 5 days prior to the date of payment as set forth in the citation. On receipt of the notice to stand trial, the agency shall forward to the District Court having venue a copy of the citation and a copy of the notice from the person who received the citation indicating the person's intention to stand trial. On receipt thereof, the District Court shall schedule the case for trial and notify the defendant of the trial date under procedures adopted by the Chief Judge of the District Court.

(2) A citation issued as the result of a traffic control signal monitoring system or speed monitoring system controlled by a political subdivision shall provide that, in an uncontested case, the penalty shall be paid directly to that political subdivision. A citation issued as the result of a traffic control signal monitoring system controlled by a State [agency or a speed monitoring system,] **AGENCY, OR AS A RESULT OF A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM OR A SPEED MONITORING SYSTEM** in a case contested in District Court, shall provide that the penalty shall be paid directly to the District Court.

(3) Civil penalties resulting from citations issued using traffic control signal monitoring systems or speed monitoring systems that are collected by the District Court shall be collected in accordance with subsection (a) of this section and distributed in accordance with § 12-118 of the Transportation Article.

(4) (I) **FROM THE FINES COLLECTED BY A POLITICAL SUBDIVISION AS A RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS, A POLITICAL SUBDIVISION:**

1. **MAY RECOVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE SPEED MONITORING SYSTEMS; AND**

2. **SUBJECT TO ~~SUBPARAGRAPHS (II), (III), AND (IV)~~ SUBPARAGRAPH (II) OF THIS PARAGRAPH, MAY SPEND ANY REMAINING BALANCE SOLELY FOR ~~RELATED~~ PUBLIC SAFETY PURPOSES, INCLUDING PEDESTRIAN SAFETY PROGRAMS.**

~~(H) 1. IF A POLITICAL SUBDIVISION DOES NOT SPEND FUNDS ELIGIBLE TO BE SPENT IN ACCORDANCE WITH SUBPARAGRAPH (I) 2 OF~~

~~THIS PARAGRAPH WITHIN 2 YEARS AFTER THE END OF THE FISCAL YEAR IN WHICH THE FUNDS WERE COLLECTED, THE POLITICAL SUBDIVISION SHALL REMIT THE UNSPENT FUNDS TO THE COMPTROLLER ON AN ANNUAL BASIS.~~

~~2. THE COMPTROLLER SHALL DEPOSIT ANY MONEY REMITTED UNDER THIS SUBPARAGRAPH TO THE GENERAL FUND OF THE STATE.~~

~~(III) FUNDS SPENT IN ACCORDANCE WITH SUBPARAGRAPH (I)2 OF THIS PARAGRAPH SHALL BE USED TO SUPPLEMENT AND MAY NOT SUPPLANT EXISTING LOCAL EXPENDITURES FOR THE SAME PURPOSE.~~

~~(IV) IN ANY YEAR THAT A POLITICAL SUBDIVISION SPENDS FUNDS ELIGIBLE TO BE SPENT IN ACCORDANCE WITH SUBPARAGRAPH (I)2 OF THIS PARAGRAPH, THE POLITICAL SUBDIVISION SHALL FILE A REPORT BY DECEMBER 1 OF THAT YEAR WITH THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, DETAILING THE AMOUNT AND PURPOSES OF THE EXPENDITURE.~~

(II) 1. FOR ANY FISCAL YEAR, IF THE BALANCE REMAINING FROM THE FINES COLLECTED BY A POLITICAL SUBDIVISION AS A RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS, AFTER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE SYSTEMS ARE RECOVERED IN ACCORDANCE WITH SUBPARAGRAPH (I)1 OF THIS PARAGRAPH, IS GREATER THAN 10% OF THE TOTAL REVENUES OF THE POLITICAL SUBDIVISION FOR THE FISCAL YEAR, THE POLITICAL SUBDIVISION SHALL REMIT ANY FUNDS THAT EXCEED 10% OF THE TOTAL REVENUES TO THE COMPTROLLER.

2. THE COMPTROLLER SHALL DEPOSIT ANY MONEY REMITTED UNDER THIS SUBPARAGRAPH TO THE GENERAL FUND OF THE STATE.

Article – State Government

10-616.

(o) (1) In this subsection, “recorded images” has the meaning stated in § 21-202.1 or § 21-809 of the Transportation Article.

(2) Except as provided in paragraph (3) of this subsection, a custodian of recorded images produced by a traffic control signal monitoring system operated under § 21-202.1 of the Transportation Article or a speed monitoring system operated

under § 21-809 of the Transportation Article shall deny inspection of the recorded images.

(3) A custodian shall allow inspection of recorded images:

(i) as required in § 21-202.1 or § 21-809 of the Transportation Article;

(ii) by any person issued a citation under § 21-202.1 or § 21-809 of the Transportation Article, or an attorney of record for the person; or

(iii) by an employee or agent of [a law enforcement] AN agency in an investigation or proceeding relating to the imposition of or indemnification from civil liability pursuant to § 21-202.1 or § 21-809 of the Transportation Article.

Article – Transportation

21-809.

(a) (1) In this section the following words have the meanings indicated.

[(2) “Local police department” means:

(i) The Montgomery County Department of Police; and

(ii) The police department of any municipal corporation in Montgomery County.]

(2) **“AGENCY” MEANS:**

(I) **A LAW ENFORCEMENT AGENCY OF A LOCAL POLITICAL SUBDIVISION THAT IS AUTHORIZED TO ISSUE A CITATION FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR REGULATIONS; OR**

(II) **FOR A MUNICIPAL CORPORATION THAT DOES NOT MAINTAIN A POLICE FORCE, AN AGENCY ESTABLISHED OR DESIGNATED BY THE MUNICIPAL CORPORATION TO IMPLEMENT THIS SUBTITLE USING SPEED MONITORING SYSTEMS IN ACCORDANCE WITH THIS SECTION.**

(3) (i) “Owner” means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or more.

(ii) “Owner” does not include:

1. A motor vehicle rental or leasing company; or
2. A holder of a special registration plate issued under Title 13, Subtitle 9, Part III of this article.

(4) “Recorded image” means an image recorded by a speed monitoring system:

- (i) On:
 1. A photograph;
 2. A microphotograph;
 3. An electronic image;
 4. Videotape; or
 5. Any other medium; and
- (ii) Showing:
 1. The rear of a motor vehicle;
 2. At least two time-stamped images of the motor vehicle that include the same stationary object near the motor vehicle; and
 3. On at least one image or portion of tape, a clear **AND LEGIBLE** identification of the **ENTIRE** registration plate number of the motor vehicle.

(5) “Speed monitoring system” means a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at speeds at least [10] **12** miles per hour above the posted speed limit.

(6) “Speed monitoring system operator” means [an individual who] **A REPRESENTATIVE OF AN AGENCY OR CONTRACTOR THAT** operates a speed monitoring system.

(b) (1) (I) **A SPEED MONITORING SYSTEM MAY NOT BE USED IN A LOCAL JURISDICTION UNDER THIS SECTION UNLESS ITS USE IS AUTHORIZED BY THE GOVERNING BODY OF THE LOCAL JURISDICTION BY LOCAL LAW ENACTED AFTER REASONABLE NOTICE AND A PUBLIC HEARING.**

(II) **BEFORE A COUNTY MAY USE A SPEED MONITORING SYSTEM ON A STATE HIGHWAY AT A LOCATION WITHIN A MUNICIPAL CORPORATION, THE COUNTY SHALL:**

1. **OBTAIN THE APPROVAL OF THE STATE HIGHWAY ADMINISTRATION;**

2. **NOTIFY THE MUNICIPAL CORPORATION OF THE STATE HIGHWAY ADMINISTRATION'S APPROVAL OF THE USE OF A SPEED MONITORING SYSTEM AT THAT LOCATION; AND**

3. **GRANT THE MUNICIPAL CORPORATION 60 DAYS FROM THE DATE OF THE COUNTY'S NOTICE TO THE MUNICIPAL CORPORATION TO ENACT AN ORDINANCE AUTHORIZING THE MUNICIPAL CORPORATION INSTEAD OF THE COUNTY TO USE A SPEED MONITORING SYSTEM AT THAT LOCATION.**

(III) **AN ORDINANCE OR RESOLUTION ADOPTED BY THE GOVERNING BODY OF A LOCAL JURISDICTION UNDER THIS PARAGRAPH SHALL PROVIDE THAT FOR A PERIOD OF AT LEAST 30 DAYS AFTER THE FIRST SPEED MONITORING SYSTEM IS PLACED IN THE LOCAL JURISDICTION, A VIOLATION RECORDED BY ANY SPEED MONITORING SYSTEM IN THE LOCAL JURISDICTION MAY BE ENFORCED ONLY BY THE ISSUANCE OF A WARNING.**

[(1)] (IV) This section applies to a violation of this subtitle [that occurs in Montgomery County] recorded by a speed monitoring system that meets the requirements of this subsection and has been placed:

[(i)] 1. ~~On~~ **IN MONTGOMERY COUNTY, ON** a highway in a residential [district] **DISTRICT**, as defined in § 21-101 of this [title]:

1. With] **TITLE, WITH** a maximum posted speed limit of ~~{35}~~ **45** miles per [hour; and

2. That has a speed limit that] **hour, which speed limit** was established using generally accepted traffic engineering practices; or

[(ii)] 2. In a school zone established under § 21-803.1 of this subtitle.

(V) **BEFORE ACTIVATING AN UNMANNED STATIONARY SPEED MONITORING SYSTEM, THE LOCAL JURISDICTION SHALL:**

1. PUBLISH NOTICE OF THE LOCATION OF THE SPEED MONITORING SYSTEM ON ITS WEBSITE AND IN A NEWSPAPER OF GENERAL CIRCULATION IN THE JURISDICTION; AND

2. ENSURE THAT EACH SIGN THAT DESIGNATES A SCHOOL ZONE INDICATES THAT SPEED MONITORING SYSTEMS ARE IN USE IN SCHOOL ZONES.

(VI) A SPEED MONITORING SYSTEM IN A SCHOOL ZONE MAY OPERATE ONLY MONDAY THROUGH FRIDAY BETWEEN 6:00 A.M. AND 8:00 P.M.

(2) (i) A speed monitoring system operator shall complete training by a manufacturer of speed monitoring systems in the procedures for setting up and operating the speed monitoring system.

(ii) The manufacturer shall issue a signed certificate to the speed monitoring system operator [upon] **ON** completion of the training.

(iii) The certificate of training shall be admitted as evidence in any court proceeding for a violation of this section.

(3) A speed monitoring system operator shall fill out and sign a daily set-up log for a speed monitoring system that:

(i) States that the speed monitoring system operator successfully performed the manufacturer-specified self-test of the speed monitoring system prior to producing a recorded image;

(ii) Shall be kept on file; and

(iii) Shall be admitted as evidence in any court proceeding for a violation of this section.

(4) (i) A speed monitoring system shall undergo an annual calibration check performed by an independent calibration laboratory.

(ii) The independent calibration laboratory shall issue a signed certificate of calibration after the annual calibration check[, which] **THAT**:

1. Shall be kept on file; and

2. Shall be admitted as evidence in any court proceeding for a violation of this section.

~~(5) (i) THIS PARAGRAPH DOES NOT APPLY TO A SPEED MONITORING SYSTEM PLACED IN A SCHOOL ZONE.~~

~~(ii) IF A SPEED MONITORING SYSTEM IS PLACED WITHIN 250 FEET AFTER THE LOCATION OF A SIGN DECREASING THE MAXIMUM SPEED LIMIT ON THE HIGHWAY, THE SPEED MONITORING SYSTEM SHALL BE CALIBRATED ONLY TO RECORD IMAGES OF MOTOR VEHICLES TRAVELING AT SPEEDS AT LEAST 12 MILES PER HOUR ABOVE THE POSTED SPEED LIMIT IN EFFECT BEFORE THE LOCATION OF THE SIGN.~~

(c) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (f)(4) of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a speed monitoring system while being operated in violation of this subtitle.

(2) A civil penalty under this subsection may not exceed \$40.

(3) For purposes of this section, the District Court shall prescribe:

(i) A uniform citation form consistent with subsection (d)(1) of this section and § 7-302 of the Courts Article; and

(ii) A civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

(d) (1) Subject to the provisions of paragraphs (2) through (4) of this subsection, [the local police department] **AN AGENCY** shall mail to [the owner,] **AN OWNER** liable under subsection (c) of this section[,], a citation that shall include:

- (i) The name and address of the registered owner of the vehicle;
- (ii) The registration number of the motor vehicle involved in the violation;
- (iii) The violation charged;
- (iv) The location where the violation occurred;
- (v) The date and time of the violation;
- (vi) A copy of the recorded image;

(vii) The amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(viii) A signed statement by a duly authorized [agent of the local police department] **LAW ENFORCEMENT OFFICER EMPLOYED BY OR UNDER CONTRACT WITH AN AGENCY** that, based on inspection of recorded images, the motor vehicle was being operated in violation of this subtitle;

(ix) A statement that recorded images are evidence of a violation of this subtitle;

(x) Information advising the person alleged to be liable under this section of the manner and time in which liability as alleged in the citation may be contested in the District Court; and

(xi) Information advising the person alleged to be liable under this section that failure to pay the civil penalty or to contest liability in a timely manner:

1. Is an admission of liability;
2. May result in the refusal by the Administration to register the motor vehicle; and
3. May result in the suspension of the motor vehicle registration.

(2) [The local police department] **AN AGENCY** may mail a warning notice instead of a citation to the owner liable under subsection (c) of this section.

(3) Except as provided in subsection (f)(4) of this section, [the local police department] **AN AGENCY** may not mail a citation to a person who is not an owner.

(4) Except as provided in subsection (f)(4) of this section, a citation issued under this section shall be mailed no later than 2 weeks after the alleged violation if the vehicle is registered in this State, and 30 days after the alleged violation if the vehicle is registered in another state.

(5) A person who receives a citation under paragraph (1) of this subsection may:

(i) Pay the civil penalty, in accordance with instructions on the citation, directly to the [Montgomery County Department of Finance] **POLITICAL SUBDIVISION**; or

(ii) Elect to stand trial in the District Court for the alleged violation.

(e) (1) A certificate alleging that the violation of this subtitle occurred and the requirements under subsection (b) of this section have been satisfied, sworn to, or affirmed by [a duly authorized agent of the local police department] **AN AGENT OR EMPLOYEE OF AN AGENCY**, based on inspection of recorded images produced by a speed monitoring system, shall be evidence of the facts contained in the certificate and shall be admissible in a proceeding alleging a violation under this section without the presence or testimony of the speed monitoring system operator who performed the requirements under subsection (b) of this section.

(2) If a person who received a citation under subsection (d) of this section desires the speed monitoring system operator to be present and testify at trial, the person shall notify the court and the State in writing no later than 20 days before trial.

(3) Adjudication of liability shall be based on a preponderance of evidence.

(f) (1) The District Court may consider in defense of a violation:

(i) Subject to paragraph (2) of this subsection, that the motor vehicle or the registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation;

(ii) Subject to paragraph (3) of this subsection, evidence that the person named in the citation was not operating the vehicle at the time of the violation; and

(iii) Any other issues and evidence that the District Court deems pertinent.

(2) [In order to] **TO** demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner shall submit proof that a police report regarding the stolen motor vehicle or registration plates was filed in a timely manner.

(3) To satisfy the evidentiary burden under paragraph (1)(ii) of this subsection, the person named in the citation shall provide to the District Court a letter, sworn to or affirmed by the person and mailed by certified mail, return receipt requested, that:

(i) States that the person named in the citation was not operating the vehicle at the time of the violation; **AND**

(ii) [Provides the name, address, and, if possible, the driver's license identification number of the person who was operating the vehicle at the time of the violation; and

(iii)] Includes any other corroborating evidence.

(4) (i) If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives evidence under paragraph (3) of this subsection identifying the person driving the vehicle at the time of the violation, the clerk of the court shall provide to the [local police department] **AGENCY ISSUING THE CITATION** a copy of any evidence substantiating who was operating the vehicle at the time of the violation.

(ii) On receipt of substantiating evidence from the District Court under subparagraph (i) of this paragraph, [the local police department] **AN AGENCY** may issue a citation as provided in subsection (d) of this section to the person who the evidence indicates was operating the vehicle at the time of the violation.

(iii) A citation issued under subparagraph (ii) of this paragraph shall be mailed no later than 2 weeks after receipt of the evidence from the District Court.

(g) If a person liable under this section does not pay the civil penalty or contest the violation, the Administration:

(1) May refuse to register or reregister the motor vehicle cited for the violation; or

(2) May suspend the registration of the motor vehicle cited for the violation.

(h) A violation for which a civil penalty is imposed under this section:

(1) Is not a moving violation for the purpose of assessing points under § 16–402 of this article;

(2) May not be recorded by the Administration on the driving record of the owner or driver of the vehicle;

(3) May be treated as a parking violation for purposes of § 26–305 of this article; and

(4) May not be considered in the provision of motor vehicle insurance coverage.

(i) In consultation with the [Montgomery County Department of Finance and the local police departments] **APPROPRIATE LOCAL GOVERNMENT AGENCIES**, the Chief Judge of the District Court shall adopt procedures for the issuance of citations, the trial of civil violations, and the collection of civil penalties under this section.

(j) (1) **AN AGENCY OR AN AGENT OR CONTRACTOR DESIGNATED BY THE AGENCY SHALL ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION IN COORDINATION WITH THE DISTRICT COURT.**

(2) If a contractor operates a speed monitoring system on behalf of [Montgomery County] **A LOCAL JURISDICTION**, the contractor's fee may not be contingent on the number of citations issued or paid.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

4–401.

Except as provided in § 4–402 of this subtitle, and subject to the venue provisions of Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

(13) A proceeding for a civil infraction under § 21–202.1, § 21–704.1, [or] § 21–809, **OR § 21–810** of the Transportation Article or § 10–112 of the Criminal Law Article;

7–301.

(a) The court costs in a traffic case, including parking and impounding cases, cases under § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation Article in which costs are imposed, and cases under § 10–112 of the Criminal Law Article in which costs are imposed are \$22.50. Such costs shall also be applicable to those cases in which the defendant elects to waive his right to trial and pay the fine or penalty deposit established by the Chief Judge of the District Court by administrative regulation. In an uncontested case under § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation Article, an uncontested case under § 10–112 of the Criminal Law Article, or an uncontested parking or impounding case in which the fines are paid directly to a political subdivision or municipality, costs are \$2.00, which costs shall be paid to and retained by the political subdivision or municipality. In an uncontested

case in which the fine is paid directly to an agency of State government authorized by law to regulate parking of motor vehicles, the costs are \$2.00. The fine and the costs shall be paid to the agency, which shall receive and account for these funds as in all other cases involving sums due the State through a State agency.

7-302.

(e) (1) A citation issued pursuant to § 21-202.1 [or], § 21-809, **OR § 21-810** of the Transportation Article shall provide that the person receiving the citation may elect to stand trial by notifying the issuing agency of the person's intention to stand trial at least 5 days prior to the date of payment as set forth in the citation. On receipt of the notice to stand trial, the agency shall forward to the District Court having venue a copy of the citation and a copy of the notice from the person who received the citation indicating the person's intention to stand trial. On receipt thereof, the District Court shall schedule the case for trial and notify the defendant of the trial date under procedures adopted by the Chief Judge of the District Court.

(2) A citation issued as the result of a traffic control signal monitoring system or speed monitoring system, **INCLUDING A WORK ZONE SPEED CONTROL SYSTEM**, controlled by a political subdivision shall provide that, in an uncontested case, the penalty shall be paid directly to that political subdivision. A citation issued as the result of a traffic control signal monitoring system **OR A WORK ZONE SPEED CONTROL SYSTEM** controlled by a State agency or a speed monitoring system, in a case contested in District Court, shall provide that the penalty shall be paid directly to the District Court.

(3) Civil penalties resulting from citations issued using traffic control signal monitoring systems or speed monitoring systems, **OR A WORK ZONE SPEED CONTROL SYSTEM**, that are collected by the District Court shall be collected in accordance with subsection (a) of this section and distributed in accordance with § 12-118 of the Transportation Article.

10-311.

(a) A recorded image of a motor vehicle produced by a traffic control signal monitoring system in accordance with § 21-202.1 of the Transportation Article is admissible in a proceeding concerning a civil citation issued under that section for a violation of § 21-202(h) of the Transportation Article without authentication.

(b) A recorded image of a motor vehicle produced by a speed monitoring system in accordance with § 21-809 **OR § 21-810** of the Transportation Article is admissible in a proceeding concerning a civil citation issued under that section for a violation of Title 21, Subtitle 8 of the Transportation Article without authentication.

(c) In any other judicial proceeding, a recorded image produced by a traffic control signal monitoring system [or], speed monitoring system, **OR WORK ZONE SPEED CONTROL SYSTEM** is admissible as otherwise provided by law.

Article – Insurance

11–215.

(e) For purposes of reclassifying an insured in a classification that entails a higher premium, an insurer under an automobile insurance policy may not consider a probation before judgment disposition of a motor vehicle law offense, a civil penalty imposed pursuant to § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation Article, or a first offense of driving with an alcohol concentration of 0.08 or more under § 16–205.1 of the Transportation Article on record with the Motor Vehicle Administration, as provided in § 16–117(b) of the Transportation Article.

11–318.

(e) For purposes of reclassifying an insured in a classification that entails a higher premium, an insurer under an automobile insurance policy may not consider a probation before judgment disposition of a motor vehicle law offense, a civil penalty imposed pursuant to § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation Article, or a first offense of driving with an alcohol concentration of 0.08 or more under § 16–205.1 of the Transportation Article on record with the Motor Vehicle Administration, as provided in § 16–117(b) of the Transportation Article.

Article – State Government

10–616.

(o) (1) In this subsection, “recorded images” has the meaning stated in § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation Article.

(2) Except as provided in paragraph (3) of this subsection, a custodian of recorded images produced by a traffic control signal monitoring system operated under § 21–202.1 of the Transportation Article [or], a speed monitoring system operated under § 21–809 of the Transportation Article, **OR A WORK ZONE SPEED CONTROL SYSTEM OPERATED UNDER § 21–810 OF THE TRANSPORTATION ARTICLE** shall deny inspection of the recorded images.

(3) A custodian shall allow inspection of recorded images:

(i) as required in § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation Article;

(ii) by any person issued a citation under § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation Article, or an attorney of record for the person; or

(iii) by an employee or agent of a law enforcement agency in an investigation or proceeding relating to the imposition of or indemnification from civil liability pursuant to § 21–202.1 [or], § 21–809, **OR § 21–810** of the Transportation Article.

Article – Transportation

12–118.

(c) (1) [Notwithstanding] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, NOTWITHSTANDING** any other law and in addition to any other exceptions provided by law, all costs, fines, penalties, and forfeitures received by or paid to the District Court under the Maryland Vehicle Law shall be collected and remitted as provided in the Courts Article.

(2) THE COMPTROLLER SHALL DISTRIBUTE TO THE STATE HIGHWAY ADMINISTRATION REVENUE FROM THE CIVIL FINES COLLECTED THROUGH USE OF A WORK ZONE SPEED CONTROL SYSTEM UNDER § 21–810 OF THIS ARTICLE IN AN AMOUNT TO COVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE WORK ZONE SPEED CONTROL SYSTEM TO A SPECIAL FUND, TO BE USED ONLY AS PROVIDED IN SUBSECTION (E) OF THIS SECTION.

(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, MONEY IN THE SPECIAL FUND ESTABLISHED UNDER SUBSECTION (C)(2) OF THIS SECTION SHALL BE DISTRIBUTED TO THE DEPARTMENT OF STATE POLICE AND THE STATE HIGHWAY ADMINISTRATION TO COVER THE COSTS OF IMPLEMENTING AND ADMINISTERING WORK ZONE SPEED CONTROL SYSTEMS.

(2) THE BALANCE OF THE MONEY IN THE SPECIAL FUND SHALL BE DISTRIBUTED TO THE DEPARTMENT OF STATE POLICE TO FUND ROADSIDE ENFORCEMENT ACTIVITIES.

21–810.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “LOCAL POLICE DEPARTMENT” MEANS:

(I) **THE POLICE DEPARTMENT OF ANY MUNICIPAL CORPORATION;**

(II) **THE POLICE DEPARTMENT OF ANY COUNTY; AND**

(III) **THE SHERIFF'S DEPARTMENT OF ANY COUNTY THAT HAS HIGHWAY TRAFFIC PATROL RESPONSIBILITIES.**

(3) (I) **"OWNER" MEANS THE REGISTERED OWNER OF A MOTOR VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR LONGER.**

(II) **"OWNER" DOES NOT INCLUDE:**

1. **A MOTOR VEHICLE RENTAL OR LEASING COMPANY; OR**

2. **A HOLDER OF A SPECIAL REGISTRATION PLATE ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.**

(4) **"RECORDED IMAGE" MEANS AN IMAGE RECORDED BY A WORK ZONE SPEED CONTROL SYSTEM:**

(I) **ON:**

1. **A PHOTOGRAPH;**
2. **A MICROPHOTOGRAPH;**
3. **AN ELECTRONIC IMAGE;**
4. **VIDEOTAPE; OR**
5. **ANY OTHER MEDIUM; AND**

(II) **SHOWING:**

1. **THE REAR OF A MOTOR VEHICLE;**
2. **AT LEAST TWO TIME-STAMPED IMAGES OF THE MOTOR VEHICLE THAT INCLUDE THE SAME STATIONARY OBJECT NEAR THE MOTOR VEHICLE; AND**

3. ON AT LEAST ONE IMAGE OR PORTION OF TAPE, A CLEAR AND LEGIBLE IDENTIFICATION OF THE ENTIRE REGISTRATION PLATE NUMBER OF THE MOTOR VEHICLE.

(5) "STATE POLICE DEPARTMENT" MEANS:

(I) THE DEPARTMENT OF STATE POLICE; AND

(II) THE MARYLAND TRANSPORTATION AUTHORITY POLICE.

(6) "WORK ZONE" MEANS A SEGMENT OF A HIGHWAY:

(I) THAT IS IDENTIFIED AS A TEMPORARY TRAFFIC CONTROL ZONE BY TRAFFIC CONTROL DEVICES THAT ARE PLACED OR INSTALLED IN GENERAL CONFORMANCE WITH THE STATE MANUAL AND SPECIFICATIONS ADOPTED FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES; AND

(II) WHERE HIGHWAY CONSTRUCTION, REPAIR, MAINTENANCE, UTILITY WORK, OR A RELATED ACTIVITY, INCLUDING THE PLACEMENT, INSTALLATION, MAINTENANCE, OR REMOVAL OF A WORK ZONE TRAFFIC CONTROL DEVICE, IS BEING PERFORMED REGARDLESS OF WHETHER WORKERS ARE PRESENT.

(7) "WORK ZONE SPEED CONTROL SYSTEM" MEANS A DEVICE HAVING ONE OR MORE MOTOR VEHICLE SENSORS CONNECTED TO A CAMERA SYSTEM CAPABLE OF PRODUCING RECORDED IMAGES OF MOTOR VEHICLES TRAVELING AT OR ABOVE A PREDETERMINED SPEED IN OR APPROACHING A WORK ZONE.

(8) "WORK ZONE SPEED CONTROL SYSTEM OPERATOR" MEANS AN INDIVIDUAL WHO HAS BEEN TRAINED AND CERTIFIED TO OPERATE A WORK ZONE SPEED CONTROL SYSTEM AND WHO IS:

- (I) A POLICE OFFICER;**
- (II) A REPRESENTATIVE OF A LOCAL POLICE DEPARTMENT;**
- (III) A REPRESENTATIVE OF A STATE POLICE DEPARTMENT;**

OR

- (IV) A STATE HIGHWAY ADMINISTRATION CONTRACTOR.**

(B) (1) A WORK ZONE SPEED CONTROL SYSTEM THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION MAY BE USED TO RECORD THE IMAGES OF MOTOR VEHICLES TRAVELING ON A HIGHWAY:

(I) WITHIN A WORK ZONE;

(II) THAT IS AN EXPRESSWAY OR A CONTROLLED ACCESS HIGHWAY AS DEFINED IN § 21-101 OF THIS TITLE; AND

(III) ON WHICH THE SPEED LIMIT, ESTABLISHED USING GENERALLY ACCEPTED TRAFFIC ENGINEERING PRACTICES, IS 45 MILES PER HOUR OR GREATER.

(2) A WORK ZONE SPEED CONTROL SYSTEM MAY BE USED ONLY:

(I) ON A HIGHWAY AS SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION;

(II) WHEN BEING OPERATED BY A WORK ZONE SPEED CONTROL SYSTEM OPERATOR; AND

(III) IF, IN ACCORDANCE WITH THE MARYLAND MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, A CONSPICUOUS ROAD SIGN IS PLACED AT A REASONABLE DISTANCE CONSISTENT WITH NATIONAL GUIDELINES BEFORE THE WORK ZONE ALERTING DRIVERS THAT A SPEED MONITORING SYSTEM MAY BE IN OPERATION IN THE WORK ZONE.

(3) A WORK ZONE SPEED CONTROL SYSTEM MAY BE USED ONLY TO RECORD THE IMAGES OF VEHICLES THAT ARE TRAVELING AT SPEEDS AT LEAST 12 MILES PER HOUR ABOVE THE POSTED WORK ZONE SPEED LIMIT.

(4) (I) A WORK ZONE SPEED CONTROL SYSTEM OPERATOR SHALL COMPLETE TRAINING BY THE MANUFACTURER OF THE WORK ZONE SPEED CONTROL SYSTEM IN THE PROCEDURES FOR SETTING UP, TESTING, AND OPERATING THE WORK ZONE SPEED CONTROL SYSTEM.

(II) ON COMPLETION OF THE TRAINING, THE MANUFACTURER SHALL ISSUE A SIGNED CERTIFICATE TO THE WORK ZONE SPEED CONTROL SYSTEM OPERATOR.

(III) THE CERTIFICATE OF TRAINING SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF THIS SECTION.

(5) A WORK ZONE SPEED CONTROL SYSTEM OPERATOR SHALL FILL OUT AND SIGN A DAILY SET-UP LOG FOR A WORK ZONE SPEED CONTROL SYSTEM THAT:

(I) STATES THE DATE AND TIME WHEN AND THE LOCATION WHERE THE SYSTEM WAS SET UP;

(II) STATES THAT THE WORK ZONE SPEED CONTROL SYSTEM OPERATOR SUCCESSFULLY PERFORMED, AND THE DEVICE PASSED, THE MANUFACTURER-SPECIFIED SELF-TESTS OF THE WORK ZONE SPEED CONTROL SYSTEM BEFORE PRODUCING A RECORDED IMAGE;

(III) SHALL BE KEPT ON FILE; AND

(IV) SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF THIS SECTION.

(6) (I) A WORK ZONE SPEED CONTROL SYSTEM SHALL UNDERGO AN ANNUAL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION LABORATORY.

(II) THE INDEPENDENT CALIBRATION LABORATORY SHALL ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION CHECK THAT:

1. SHALL BE KEPT ON FILE; AND

2. SHALL BE ADMITTED AS EVIDENCE IN ANY COURT PROCEEDING FOR A VIOLATION OF THIS SECTION.

(7) THE PROCUREMENT OF A WORK ZONE SPEED CONTROL SYSTEM BY A UNIT OF STATE GOVERNMENT SHALL BE CONDUCTED IN ACCORDANCE WITH TITLE 13, SUBTITLE 1 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(C) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER OR, IN ACCORDANCE WITH SUBSECTION (F)(4) OF THIS SECTION, THE DRIVER OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF AN IMAGE OF THE MOTOR VEHICLE IS RECORDED BY A WORK ZONE SPEED CONTROL SYSTEM IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION WHILE BEING OPERATED IN VIOLATION OF THIS SUBTITLE.

(2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED \$40.

(3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL:

(I) PRESCRIBE A UNIFORM CITATION FORM CONSISTENT WITH SUBSECTION (D)(1) OF THIS SECTION AND § 7-302 OF THE COURTS ARTICLE; AND

(II) INDICATE ON THE CITATION THE AMOUNT OF THE CIVIL PENALTY TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL PENALTY WITHOUT APPEARING IN DISTRICT COURT.

(D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION, A LOCAL POLICE DEPARTMENT, STATE POLICE DEPARTMENT, OR POLICE DEPARTMENT CONTRACTOR SHALL MAIL TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION A CITATION THAT SHALL INCLUDE:

(I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE VEHICLE;

(II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE INVOLVED IN THE VIOLATION;

(III) THE VIOLATION CHARGED;

(IV) THE LOCATION WHERE THE VIOLATION OCCURRED;

(V) THE DATE AND TIME OF THE VIOLATION;

(VI) AT LEAST ONE RECORDED IMAGE OF THE VEHICLE WITH A DATA BAR IMPRINTED ON EACH IMAGE THAT INCLUDES THE SPEED OF THE VEHICLE AND THE DATE AND TIME THE IMAGE WAS RECORDED;

(VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE DATE BY WHICH THE CIVIL PENALTY SHOULD BE PAID;

(VIII) A SIGNED STATEMENT BY A POLICE OFFICER EMPLOYED BY THE LOCAL POLICE DEPARTMENT OR STATE POLICE DEPARTMENT THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR VEHICLE WAS BEING OPERATED IN VIOLATION OF THIS SUBTITLE;

(IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF A VIOLATION OF THIS SUBTITLE;

(X) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE UNDER THIS SECTION OF THE MANNER AND TIME IN WHICH LIABILITY AS ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND

(XI) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE UNDER THIS SECTION THAT FAILURE TO PAY THE CIVIL PENALTY OR TO CONTEST LIABILITY IN A TIMELY MANNER:

1. IS AN ADMISSION OF LIABILITY;
2. MAY RESULT IN THE REFUSAL TO REGISTER THE MOTOR VEHICLE; AND
3. MAY RESULT IN THE SUSPENSION OF THE MOTOR VEHICLE REGISTRATION.

(2) THE LOCAL POLICE DEPARTMENT OR STATE POLICE DEPARTMENT MAY MAIL A WARNING NOTICE INSTEAD OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION.

(3) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, THE LOCAL POLICE DEPARTMENT OR STATE POLICE DEPARTMENT MAY NOT MAIL A CITATION TO A PERSON WHO IS NOT AN OWNER.

(4) EXCEPT AS PROVIDED IN SUBSECTION (F)(4) OF THIS SECTION, A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN THIS STATE, AND NO LATER THAN 30 DAYS AFTER THE ALLEGED VIOLATION IF THE VEHICLE IS REGISTERED IN ANOTHER STATE.

(5) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY:

(I) PAY THE CIVIL PENALTY IN ACCORDANCE WITH INSTRUCTIONS ON THE CITATION; OR

(II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR THE ALLEGED VIOLATION.

(E) (1) A CERTIFICATE ALLEGING THAT THE VIOLATION OF THIS SUBTITLE OCCURRED AND THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION HAVE BEEN SATISFIED, SWORN TO, OR AFFIRMED BY A POLICE OFFICER EMPLOYED BY THE LOCAL POLICE DEPARTMENT OR STATE POLICE DEPARTMENT, BASED ON INSPECTION OF RECORDED IMAGES PRODUCED BY A WORK ZONE SPEED CONTROL SYSTEM, SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE CERTIFICATE AND SHALL BE ADMISSIBLE IN A PROCEEDING ALLEGING A VIOLATION UNDER THIS SECTION WITHOUT THE PRESENCE OR TESTIMONY OF THE WORK ZONE SPEED CONTROL SYSTEM OPERATOR WHO PERFORMED THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION.

(2) IF A PERSON WHO RECEIVED A CITATION UNDER SUBSECTION (D) OF THIS SECTION DESIRES A WORK ZONE SPEED CONTROL SYSTEM OPERATOR TO BE PRESENT AND TESTIFY AT TRIAL, THE PERSON SHALL NOTIFY THE COURT AND THE POLICE DEPARTMENT THAT ISSUED THE CITATION IN WRITING NO LATER THAN 20 DAYS BEFORE TRIAL.

(3) ADJUDICATION OF LIABILITY SHALL BE BASED ON A PREPONDERANCE OF EVIDENCE.

(F) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A VIOLATION:

(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES OF THE MOTOR VEHICLE WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE VEHICLE OWNER AT THE TIME OF THE VIOLATION;

(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND

(III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT COURT DEEMS PERTINENT.

(2) TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN A TIMELY MANNER.

(3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE PERSON AND MAILED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT:

(I) STATES THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND

(II) INCLUDES ANY OTHER CORROBORATING EVIDENCE.

(4) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (3) OF THIS SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE VIOLATION, THE CLERK OF THE COURT MAY PROVIDE TO THE POLICE DEPARTMENT THAT ISSUED THE CITATION A COPY OF ANY EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(II) ON RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE POLICE DEPARTMENT THAT ISSUED THE CITATION MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (D) OF THIS SECTION TO THE PERSON WHO THE EVIDENCE INDICATES WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(III) ANY CITATION ISSUED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER RECEIPT OF THE EVIDENCE FROM THE DISTRICT COURT.

(C) IF A PERSON LIABLE UNDER THIS SECTION DOES NOT PAY THE CIVIL PENALTY OR CONTEST THE VIOLATION, THE ADMINISTRATION MAY:

(1) REFUSE TO REGISTER OR REREGISTER THE REGISTRATION OF THE MOTOR VEHICLE CITED FOR THE VIOLATION; OR

(2) SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE CITED FOR THE VIOLATION.

(H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS SECTION:

(1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING POINTS UNDER § 16-402 OF THIS ARTICLE;

(2) MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OR DRIVER OF THE VEHICLE;

(3) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF § 26-305 OF THIS ARTICLE; AND

(4) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.

(I) IN CONSULTATION WITH LOCAL POLICE DEPARTMENTS AND STATE POLICE DEPARTMENTS, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE OF CITATIONS, THE TRIAL OF CIVIL VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES UNDER THIS SECTION.

(J) (1) THE DEPARTMENT OF STATE POLICE OR A CONTRACTOR DESIGNATED BY THE DEPARTMENT OF STATE POLICE SHALL ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION IN COORDINATION WITH THE DISTRICT COURT.

(2) IF A CONTRACTOR PROVIDES, DEPLOYS, OR OPERATES A WORK ZONE SPEED CONTROL SYSTEM FOR A POLICE DEPARTMENT, THE CONTRACTOR'S FEE MAY NOT BE CONTINGENT ON THE NUMBER OF CITATIONS ISSUED OR PAID.

(K) THE DEPARTMENT OF STATE POLICE AND THE STATE HIGHWAY ADMINISTRATION JOINTLY SHALL ADOPT REGULATIONS ESTABLISHING STANDARDS AND PROCEDURES FOR WORK ZONE SPEED CONTROL SYSTEMS AUTHORIZED UNDER THIS SECTION.

26-305.

(a) The Administration may not register or transfer the registration of any vehicle involved in a parking violation under this subtitle, a violation under any federal parking regulation that applies to property in this State under the jurisdiction of the U.S. government, a violation of § 21-202(h) of this article as determined under § 21-202.1 of this article or Title 21, Subtitle 8 of this article as determined under § 21-809 OR § 21-810 of this article, or a violation of the State litter control law or a local law or ordinance adopted by Baltimore City relating to the unlawful disposal of litter as determined under § 10-112 of the Criminal Law Article, if:

(1) It is notified by a political subdivision or authorized State agency that the person cited for the violation under this subtitle, § 21-202.1 [or], § 21-809, OR § 21-810 of this article, or § 10-112 of the Criminal Law Article has failed to either:

(i) Pay the fine for the violation by the date specified in the citation; or

(ii) File a notice of his intention to stand trial for the violation;

(2) It is notified by the District Court that a person who has elected to stand trial for the violation under this subtitle, under § 21-202.1 [or], § 21-809, OR § 21-810 of this article, or under § 10-112 of the Criminal Law Article has failed to appear for trial; or

(3) It is notified by a U.S. District Court that a person cited for a violation under a federal parking regulation:

(i) Has failed to pay the fine for the violation by the date specified in the federal citation; or

(ii) Either has failed to file a notice of [his] THE PERSON'S intention to stand trial for the violation, or, if electing to stand trial, has failed to appear for trial.

26-401.

If a person is taken before a District Court commissioner or is given a traffic citation or a civil citation under § 21-202.1 [or], § 21-809, OR § 21-810 of this article containing a notice to appear in court, the commissioner or court shall be one that sits within the county in which the offense allegedly was committed.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Transportation

12-118.

(e) (1) Subject to paragraph (2) of this subsection, money in the special fund established under subsection (c)(2) of this section shall be distributed to the Department of State Police and the State Highway Administration to cover the costs of implementing and administering work zone speed control systems.

(2) The balance of the money in the special fund shall be distributed to the [Department of State Police to fund roadside enforcement activities] TRANSPORTATION TRUST FUND ESTABLISHED UNDER § 3-216 OF THIS ARTICLE.

SECTION 3. AND BE IT FURTHER ENACTED, That, during the 30-day period after the first work zone speed control system is in place, a law enforcement agency may issue warnings, but may not issue citations, for violations enforced in accordance with § 21-810 of the Transportation Article, as enacted by this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any contract awarded before the effective date of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That an obligation or contract right existing on the effective date of this Act may not be impaired in any way by this Act.

SECTION 6. AND BE IT FURTHER ENACTED, That each local jurisdiction that enforces speed limit laws as authorized under this Act shall report to the Governor and the General Assembly on or before December 31, 2013, in accordance with § 2-1246 of the State Government Article, on the effectiveness of speed monitoring systems in the jurisdiction.

SECTION 7. AND BE IT FURTHER ENACTED, That § 21-809(b)(1)(i), (iii), and (v) of the Transportation Article, as enacted by Section 1 of this Act, does not apply to speed monitoring systems installed and operated in Montgomery County before October 1, 2009.

SECTION ~~4~~ 8. AND BE IT FURTHER ENACTED, That Section ~~2~~ 3 of this Act shall take effect October 1, 2012.

SECTION ~~8~~ ~~5~~ 9. AND BE IT FURTHER ENACTED, That, except as provided in Section ~~4~~ 8 of this Act, this Act shall take effect October 1, 2009.

Approved by the Governor, May 19, 2009.

Appendix C




Isiah Leggett
County Executive


Leon Rodriguez
County Attorney

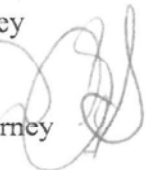
OFFICE OF THE COUNTY ATTORNEY

MEMORANDUM

TO: Karen Orlansky, Director
Office of Legislative Oversight

THRU: Leon Rodriguez 
County Attorney

THRU: Marc Hansen 
Deputy County Attorney

FROM: William A. Snoddy 
Associate County Attorney

DATE: July 21, 2009

RE: Impact of the 2009 Statewide Speed Camera Law on the County's Safe Speed Program

You requested that the County Attorney advise your office how the recently enacted 2009 State law authorizing statewide use of automated speed monitoring systems will affect the implementation, administration, and operation of existing County and municipal speed camera programs. You asked that the opinion answer six questions. In short, the 2009 speed camera law's impact on County and municipal speed camera programs is relatively minor. The new law, however, will require that the County and other municipal speed camera operators to make changes to their respective programs.

BACKGROUND:

The use of speed cameras in Montgomery County was authorized by Chapter 15, Laws of Maryland 2006 (HB 443). The speed camera law is codified at § 21-809 of the Transportation Article of the Maryland Code. The law permits Montgomery County and municipalities within the County that have police departments, to operate speed monitoring systems on a highway in a residential district with a maximum posted speed of 35 miles per hour and in established school zones. MD. CODE ANN., TRANS. § 21-809(b)(1)(i), (2)(i). Tickets may only be issued to registered owners of vehicles that a speed monitoring system records as traveling at least 10 miles per hour above the posted speed limit. See, MD. CODE ANN., TRANS. § 21-809(a)(5). And the civil penalty for a violation may not exceed \$40. MD. CODE ANN., TRANS. § 21-809(c)(3). If

the owner of the vehicle was not operating the vehicle at the time of the violation, the owner can transfer liability to the driver by affirming that fact under oath and submitting the actual driver's name and address to the district court. MD. CODE ANN., TRANS. § 21-809(f)(4). If the fine is not paid, the State Motor Vehicle Administration may refuse to register the vehicle cited or suspend its registrations, regardless of who was driving. MD. CODE ANN., TRANS. § 21-809(g).

QUESTIONS AND ANSWERS:

1. The 2009 law restricts the operation of speed cameras in school zones to weekdays from 6:00 A.M. to 8:00 P.M. Will this new time restriction apply to speed cameras in school zones that were operational before October 1, 2009? What about speed cameras in residential districts.

The school zone time restriction, which will be codified at MD. CODE ANN. TRANS. § 21-809(b)(1)(vi), will apply to all school zone speed monitoring systems in the County regardless of when they became operable. Section 2 of Chapter 500 of the Laws of Maryland 2009 (SB 277) is an uncoded provision that excludes application of certain subsections of the new law to speed monitoring systems installed and operated in Montgomery County before October 1, 2009, specifically § 21-809(b)(i), (iii), and (v). This uncoded provision does not exempt the County's currently operating speed cameras from the requirement in the 2009 law that restricts the hours of operation of a speed camera in a school zone. This provision will likely have the greatest impact on the County's program as it will require the County to take school zone cameras out of service on Saturdays and Sundays and for 10 hours on weekdays.

With respect to speed cameras in residential districts, the new law does not impact the County's ability to continue to place cameras in those areas. After October 1, 2009, however, the County may place a speed monitoring system in a residential district only after the cameras use has been authorized by the County Executive and Council "by local law enacted after reasonable notice and a public hearing." See, MD. CODE ANN. TRANS. § 21-809(b)(1)(i). This provision also applies to cameras placed in school zones after October 1, 2009.

2. The 2009 law increases the threshold for photographing speeding vehicles from 10 to 12 miles per hour above the posted limit[.]. How will this provision affect the operation of the County's speed cameras, including those installed before October 2009?

This change, which applies to all speed cameras, should have little impact on the County's speed cameras. Currently, County speed cameras are set to record images of vehicles that are going at least 11 miles per hour above the posted speed limit. Complying with this provision will only require an adjustment of the speed threshold.

3. How will the provisions on highway work zone speed cameras in the 2009 law affect County and municipal speed camera programs? Will local or State entities be responsible for the implementation and administration of work zone speed camera enforcement in the County?

The highway work zone speed camera provisions in the 2009 law will have minimal impact on County and municipal speed camera programs. The law does not require County and municipal police departments to place speed cameras in highway work zones. The law simply permits the placement of speed cameras in highway work zones subject to regulations establishing standards and procedures for such systems. The State Police and the State Highway Administration are charged with responsibility for adopting those regulations. See, SB 277 at MD. CODE ANN. TRANS., § 21-810(k). The Montgomery County Department of Police has no present intention of placing work zone speed cameras on I-495 and I-270.

4. The 2009 law includes new provisions that specify local authorization, warning periods, and notice/outreach requirements for speed cameras. The law exempts speed cameras in the County from these provisions. Please clarify how these exemptions apply to speed cameras installed both before and after October 1, 2009?

Section 7 of Chapter 500 of the Laws of Maryland 2009 (SB 277) is an uncodified provision that states, “§ 21-809(b)(1)(i), (iii), and (v) of the Transportation Article, as enacted in Section 1 of this Act, does not apply to speed monitoring systems installed and operated in Montgomery County before October 1, 2009.” This means that only those speed monitoring systems that are up and running prior to October 1, 2009, are not subject to the requirement that they are authorized by local law and that their location be advertised on the web and in a local newspaper. Any speed monitoring system in the County that begins operating after October 1, 2009, would be subject to all of the new law’s provisions except the requirement regarding the issuance of warning tickets since speed cameras would not be the “first” in the County. As stated above each individual speed monitoring system or camera placed in service after October 1, 2009, must be authorized by local law enacted after reasonable notice and a public hearing.

5. How will the 2009 law affect the County’s and municipalities’ collection and allocation of revenue from speed cameras?

Under the new law municipalities in the County will be able to collect their own fines. See, SB 277 at § 21-809(d)(5)(i). Presently, all fines must be paid to the County, which then forwards payments on a monthly basis to municipalities for tickets issued by them. Additionally, the new law caps the amount of speed camera-generated revenue local and municipal governments may keep. Governments may recover the cost implementing and administering speed cameras and spend the remaining balance “solely for public safety purposes, including traffic safety programs.” SB 277 at MD. CODE ANN. CTS. & JUD. PROC. § 7-302(e)(4)(i). If, after the costs of operating speed monitoring systems are recovered, the balance remaining from fines collected by a political subdivision exceeds 10 percent of the total revenues for the fiscal year, the political subdivision must remit any funds that exceed the 10 percent threshold to the State Comptroller. MD. CODE ANN. CTS. & JUD. PROC. § 7-302(e)(4)(ii). This provision will not have any impact on the County.

6. The 2009 law requires all jurisdictions operating speed cameras to report back to the Governor and General Assembly by December 31, 2013 on the “effectiveness of speed monitoring systems” in their respective jurisdiction. Since Montgomery County is

reporting back to the legislature by December 31, 2009, does this new provision for reporting mean the County is required to provide a second report in 2013?

Yes, the County is subject to the 2013 reporting provision. The issue is whether the County is subject to the 2009 reporting provision. I do not believe that it is. The Court of Appeals has held that when the legislature repeals and reenacts a statute in such a manner as to demonstrate its intention that the statute be a "complete system of legislation in regard to the matter, the statute thus passed must be considered as a substitute for all prior laws on the subject, and the provisions of such prior laws as are not embraced by the latter statute are thereby repealed." *State v. American Bonding Co. of Baltimore*, 128 Md. 268, 272-273 (1916). *See also, Aviles v. Eshelman Electric Corp.*, 281 Md. 529, 535 (1977) (holding that once prior law was repealed without a savings provision the affected sections disappeared "as though they never existed"). Despite this state of the law, it is my strong recommendation that the County file the report by the current deadline.

If you have any concerns or questions concerning this memorandum please call William A. Snoddy, Associate County Attorney at (240) 777-6722

Appendix D

DOUGLAS F. GANSLER
ATTORNEY GENERAL

KATHERINE WINFREE
Chief Deputy Attorney General

JOHN B. HOWARD, JR.
Deputy Attorney General



DAN FRIEDMAN
Counsel to the General Assembly

SANDRA BENSON BRANTLEY
BONNIE A. KIRKLAND
KATHRYN M. ROWE
Assistant Attorneys General

THE ATTORNEY GENERAL OF MARYLAND
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

June 4, 2009

The Honorable Richard S. Madaleno, Jr.
Maryland State Senate
203 James Senate Office Building
Annapolis, Maryland 21401

Dear Senator Madaleno:

You have requested advice concerning Chapter 500 of the Laws of 2009 (Senate Bill 277, "Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Highway Work Zones"). Specifically, you have asked whether the requirement that a political subdivision remit to the Comptroller any funds remaining that exceed 10% of the political subdivision's total revenue applies to funds collected prior to the effective date of the Act. It is my view that any funds remaining from the fines collected by a political subdivision at the end of the fiscal year, including fines collected prior to the effective date, in excess of 10% of the total revenues of the political subdivision and after the costs of implementing the speed monitoring system, must be remitted to the Comptroller.

Chapter 500 extends authorization for use of speed monitoring systems in school zones Statewide and authorizes the use of work zone speed control systems. From the fines collected by a political subdivision as a result of violations enforced by a speed monitoring system, the political subdivision is authorized to recover the costs of implementing and administering the system and spend any remaining balance solely for public safety purposes. The expenditure of funds is subject to the following:

- 1. FOR ANY FISCAL YEAR, IF THE BALANCE REMAINING FROM THE FINES COLLECTED BY A POLITICAL SUBDIVISION AS A RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS, AFTER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE SYSTEMS ARE RECOVERED IN ACCORDANCE WITH SUBPARAGRAPH (I)1 OF THIS PARAGRAPH, IS**

The Honorable Richard S. Madaleno, Jr.

June 4, 2009

Page 2

GREATER THAN 10% OF THE TOTAL REVENUES OF THE POLITICAL SUBDIVISION FOR THE FISCAL YEAR, THE POLITICAL SUBDIVISION SHALL REMIT ANY FUNDS THAT EXCEED 10% OF THE TOTAL REVENUES TO THE COMPTROLLER.

- 2. THE COMPTROLLER SHALL DEPOSIT ANY MONEY REMITTED UNDER THIS SUBPARAGRAPH TO THE GENERAL FUND OF THE STATE.**

Courts and Judicial Proceedings Article (CJ), § 7-302(e)(4)(ii). The phrase “for any fiscal year” applies to any balance remaining after costs, no matter when the fines were collected. Since the political subdivision may retain the balance remaining from fines that amount to 10% or less of total revenues, in the following year, the balance remaining may include funds from fines collected during the previous year. The Fiscal Note for SB 277 reflects that the General Assembly understood the consequence of a remaining balance from fines compared to total revenue. It states that “[a]lthough this restriction [in CJ §7-302(e)(4)(ii)] will not affect Montgomery County, and is unlikely to affect the City of Rockville, it will likely trigger a transfer of revenues from the Village of Chevy Chase to the state’s general fund.”

The Act takes effect on October 1, 2009. Thus, the first fiscal year to which the Act will apply is fiscal year 2010, which begins on July 1, 2009 and ends on June 30, 2010. Further, while Section 4 of the Act provides that the Act shall be construed to apply only prospectively, application of the provision to remaining fund balances as of June 30, 2010, regardless of when the fines were collected, does not create a retroactive application of the Act. Thus, it is my view that, after costs of implementing and administering the system, any fund balance from fines remaining at the end of fiscal year 2010 (June 30, 2010) and each fiscal year thereafter that is in excess of 10% of the total revenues for a political subdivision, must be remitted to the Comptroller for deposit to the general fund of the State. It is further my view that any funds collected under a current speed monitoring system that are not spent or encumbered by the political subdivision by June 30, 2010 will be included in the balance remaining from the fines for the purpose of determining whether the balance is greater than 10% of the total revenues of the political subdivision.

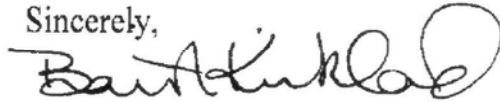
The Honorable Richard S. Madaleno, Jr.

June 4, 2009

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I hope this is responsive to your request.

Sincerely,

A handwritten signature in black ink, appearing to read "Bonnie A. Kirkland". The signature is fluid and cursive, with a large loop at the end.

Bonnie A. Kirkland
Assistant Attorney General

Appendix E

DOUGLAS F. GANSLER
ATTORNEY GENERAL

KATHERINE WINFREE
Chief Deputy Attorney General

JOHN B. HOWARD, JR.
Deputy Attorney General



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Counsel to the General Assembly

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Assistant Attorneys General

THE ATTORNEY GENERAL OF MARYLAND OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

March 5, 2008

The Honorable Brian J. Feldman
Maryland House of Delegates
6 Bladen Street, Room 223
Annapolis, Maryland 21401

Re: Contract for Speed Monitoring System between Montgomery County and ACS State
& Local Solutions, Inc. (Contract #7474000045-AA)

Dear Delegate Feldman:

As I understand your letter of March 3, 2008, you seek my opinion on whether the above-referenced contract, with which you were kind to provide me a copy, comports with §21-809(j) of the Transportation Article. That provision states that "[i]f a contractor operates a speed monitoring system on behalf of Montgomery County, the contractor's fee may not be contingent on the number of citations issued or paid." On review of the facts as I understand them, I concur with Montgomery County's position that it, not the contractor, "operates" the speed monitoring system and that, therefore, the prohibition against contingent-based pricing does not apply. Of course, if the facts are different than I have understood them, a reviewing court may well come to the opposite conclusion.

The governing statute defines a "[s]peed monitoring system operator" as "an individual who operates a speed monitoring system." MD. TRANS. CODE ANN., §21-809(a)(6).¹ A "speed monitoring system" is, in turn, defined as "a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at speeds at least 10 miles per hour above the posted speed limit." MD. TRANS. CODE ANN., §21-809(a)(5). Thus, it is the person who operates the cameras who "operates" the "system" in this statutory scheme. I understand from my conversations

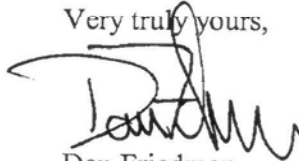
¹I note that this definition of "[s]peed monitoring system operator" will be modified if House Bill 364 or Senate Bill 269 is adopted. The proposed amendment would strike the phrase "an individual who" and replace it with "a representative of an agency or contractor that". This modification, if adopted, does not change my analysis of the contract.

The Honorable Brian J. Feldman
March 5, 2008
Page 2

with Karen L. Federman Henry, Esquire, Division Chief for the Division of Finance and Procurement, Office of the County Attorney for Montgomery County, that while the contractor supplies the cameras and vehicles, the equipment is physically operated by county employees. Because county employees are operating the system, the prohibition on contingent-based pricing found in MD. TRANS. CODE ANN., §21-809(j) simply does not apply. This view is confirmed, at least in part, by the fact that the public policy apparently expressed in this section of the code—preventing a contractor from fabricating tickets (or pursuing tickets with insufficient evidence) to increase revenues—is effectuated by the manner in which the program is “operated” by county employees.²

I hope that this provides a satisfactory answer to your question about the current contract. I am not certain how my advice in this letter will effect your consideration of House Bill 364 (or its companion Senate Bill 269). If you would like to discuss those issues, please do not hesitate to contact me.

Very truly yours,



Dan Friedman
Counsel to the General Assembly

cc: Karen L. Federman Henry, Esquire, Division Chief for the Division of Finance and Procurement, Office of the County Attorney for Montgomery County

Sheila Sprague, Montgomery County Office of Intergovernmental Relations

²I recommend that future contracts for speed monitoring systems be drafted in such a way to avoid confusion about who is “operating” the system. I stand ready to assist in any future redrafting efforts.

Appendix F

Risk Factor Analysis Methodology used to Prioritize County Roadways

In the spring of 2006, MCPD solicited the participation of the community in the site selection process by forming the Citizens Advisory Board for Traffic Issues (CABTI). The members of CABTI are designated representatives from each of the County's Regional Service Centers' citizen advisory boards, as well as pedestrian and bicycle advocates.

To begin the process, MCPD identified more than 300 roadway segments as potential enforcement sites. Over a period of several months, MCPD and CABTI members quantitatively assessed and prioritized roadways in the County that met the eligibility requirements for speed camera enforcement (as defined in the State law).

CABTI assisted MCPD in evaluating roadways based on six weighted "risk factors." The Police Department collected baseline speed and traffic data, and surveyed each of the eligible roadways to gather data for the first five risk factors. Police officers from the six police districts provided information for the final risk factor, "expressions of concern regarding the endangerment histories of each roadway." Through discussion and analysis of the roadway risk factors, CABTI assisted in the prioritization of eligible roadways for enforcement.

Roadway Risk Factors

	Factors	Weighting	Maximum Score
1	Speed Endangerment	25%	0-25
2	Accident Endangerment	25%	0-25
3	Traffic Volume	15%	0-15
4	Pedestrian Proximity	20%	0-20
5	Roadway/Site Design	10%	0-10
6	Endangerment History	5%	0-5
	Total	100%	0-100

Source: MCPD

CABTI created a database using these "roadway risk factors" with specific criteria and weights for each of the factors (outlined below). The Police Department collected baseline speed and traffic data, and surveyed each of the eligible roadways to gather data for the first five risk factors. Police officers from the six police districts provided information for the final risk factor, "expressions of concern regarding the endangerment histories of each roadway."

In February 2008, CABTI reconvened to review and evaluate the data for potential additional speed camera locations. CABTI again assisted in the recommendation and prioritization of recommended roads for the placement of speed cameras.

After receiving input from CABTI, MCPD made final decisions on if and where the speed cameras will be located. MCPD checked with the County's Department of Transportation and the State Highway Administration to ensure that speed limits on the targeted roadways had been recently verified, and that construction or traffic calming was not planned in the near future. Next, MCPD inspected the site for possible interferences with the effective operation of a speed camera. Finally, MCPD decided which sites would be enforced by fixed speed cameras and which would be enforced by mobile speed cameras.

1. Speed Endangerment

Speed Violation (%)	10-15 MPH > Speed	16-20 MPH > Speed	21+ MPH > Speed
<1%	0	1	2
1-5%	1	2	4
5-10%	2	4	7
10-20%	4	7	10
20-40%	7	10	15
>40%	10	15	20

2. Accident Endangerment

Reported Yearly Accidents Per Road Mile	Property Damage	Personal Injury	Fatality
≤2.0	3	7	13
>2.0	5	10	17
>5.0	7	13	21
>10.0	10	17	25

3. Traffic Volume

Avg. Rate/Hour	Weekday Rush	Weekday Non-Rush	Weekend
≤60	2	1	1
>60	4	2	2
>360	6	4	4
>900	10	6	6

4. Pedestrian Proximity

Item	Within 1/10 Mile	Within 1/4 Mile	Within 1/2 Mile
School/Day Care	5	4	3
Each Bus Stop	4	3	2
Playground/Park	3	2	1
Pool	3	2	1
No Sidewalk	3	2	1
Retirement Facility	3	2	1
Crosswalk	3	2	1
Community Center	3	2	1
Library	3	2	1
Religious Facility	3	2	1

5. Roadway/Site Design

Design Characteristic	Scoring			
Grade	Downhill	Uphill	Level	Curve
	0	1	1	3
Road Type	Major Artery	Artery	Primary Residential	Secondary Residential
	0	3	2	1
Intersections with Yield or Stop Signs	None	Single	2 to 3	More Than 3
	0	1	3	5
Other Characteristics	No	Yes		
Bike Lane	0	3		
Wide Shoulder	3	0		
Separate Turn Lanes	3	0		
Median Divider	3	0		

6. Endangerment History

Duration of Concern	Individual Concern	Multiple Individual Concerns
Less than 1 year	1	2
1 to 5 years	2	3
More than 5 years	4	5

Sample Roadway Risk Factor Analysis Worksheet

Speed Camera						Overall Score
	Factors	Weighting (%)	Score	Actual Score	Max Score	
1	Speed Endangerment	25	0-25		25	100
2	Accident Endangerment	25	0-25		25	
3	Pedestrian Proximity	20	0-20		20	
4	Traffic Volumetrics	15	0-15		15	
5	Roadway Design	10	0-10		10	
6	Endangerment History	5	0-5		5	
Total			0-100	0	100	

1	Speed Endangerment (Max 25)	Speed Violation (%) 1-5% 5-10% 10-20% 20-40% >40%	10-15 MPH > Speed 	16-20 MPH > Speed 	21+ MPH > Speed 	1. Actual Score <hr/> Total (Max 25) 0	
2	Accident Endangerment (Max 25)	Collisions/year/mile Very High (e.g., Daily) High (e.g., Weekly) Medium (e.g., Monthly) Low-Med (e.g., Bi-monthly)	Property Damage Only (PDO) 	Personal Injury 	Fatality (any gives max) 	2. Actual Score <div style="text-align: center;"> PDO Injury Fatal <hr/> Total (Max 25) 0 </div>	
3	Pedestrian Proximity (Max 20)	Item School/Day Care EACH Bus Stop Playground/Park Pool No Sidewalk Retirement Facility Cross-Walk Community Center Library Religious Facility	Within Site Area 	Within 1000 ft. of Site 	With 2500 ft. of Site 	3. Actual Score <hr/> Total (Max 20) 0	
4	Traffic Volumetrics (Max 15)	Avg. Rate/Hour Very High (>900) High (>360) Medium (>120) Low-Medium (>30)	Weekday Rush 	Weekend 	Weekday Non-Rush 	4. Actual Score <hr/> Total (Max 15) 0	
5	Roadway/Site Design (Max 10)	Grade Road Type at Proposed Site Intersections with Yield or Stop Signs Bike Lane Wide Shoulder Separate Turn Lanes Median Divider	Downhill Major Artery None No	UpHill Artery Single Yes	Level Primary Res. 2 to 3	Curve Secondary Res. More Than 3	5. Actual Score <hr/> Total (Max 10) 0
6	Endangement History (Max 5)	Duration of Concern >5 years 1-5 years <1 year	Individual Concern 	Multiple Individual Concerns 		6. Actual Score <hr/> Total (Max 5) 0	



**MONTGOMERY COUNTY, MARYLAND
AUTOMATED TRAFFIC ENFORCEMENT UNIT
THIS IS A WARNING NOTICE**

Warning Notice Date: 03/03/07

Registered Owner Information



MC000000091
JOHN DOE
12345 MAIN AVE
ANYTOWN, MD 12345

A vehicle registered to you was photographed violating Maryland State Law, TA, Section 21-809 on the date and time listed below.

THIS IS A WARNING ONLY AND NOT AN ACTUAL NOTICE OF OFFENSE. YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE.

PLEASE DRIVE SAFELY!



For questions, please call Customer Service at 1-866-818-3844.

WARNING INFRACTION INFORMATION			
INFRACTION NUMBER		MC000000091	
DATE OF VIOLATION		02/28/07	
TIME OF VIOLATION		2:35:17 PM	
VEHICLE REGISTRATION		MD BFA	
VIOLATION	TA-21-809		
VIOLATION LOCATION		test	
VEHICLE SPEED	34	POSTED SPEED	20

You may view full color versions of the violation images at

<http://www.public.cite-web.com>

Citation Number	PIN Number
MC000000091	292101208

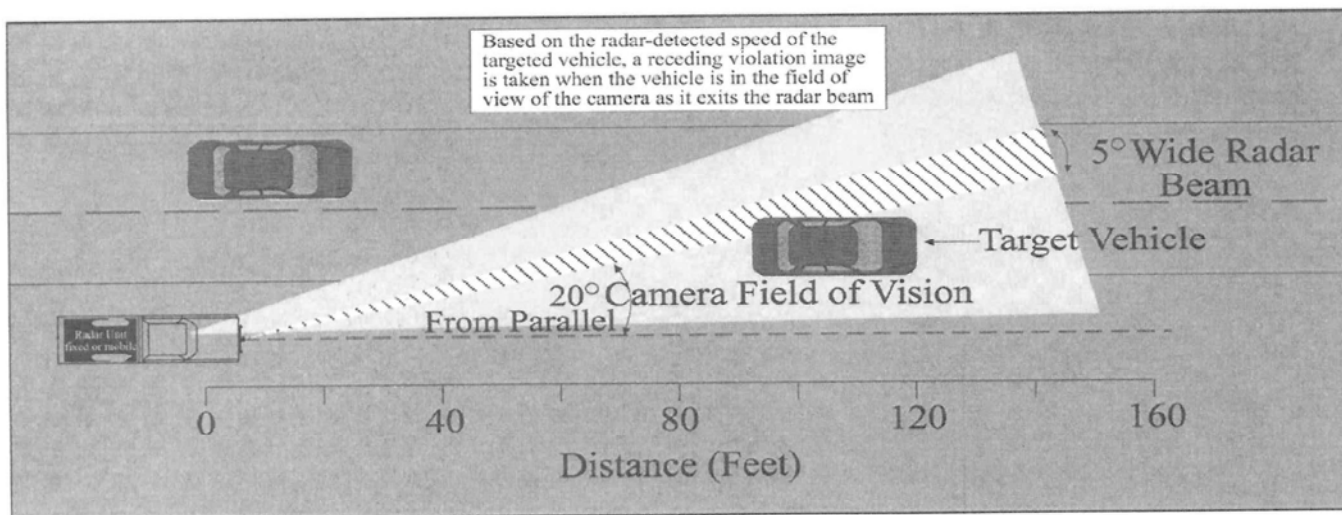
This program has been implemented to reduce the number of moving violations in Montgomery County, Maryland. These violations contribute to crashes that result in property damage, serious personal injuries and loss of life.

If this were not a warning, you, as the registered owner of the vehicle, would have been liable for the fine for this violation. The fine would have been \$40 with potential additional penalties for non-compliance.

051000-051mph 045 T 0.000 0 001000 1 Apr 28 2007 Rad 1 0449
1545 1545 000001011 05:15:06 Gatsometer

051000-051mph 045 T 0.500 0 001000 2 Apr 28 2007 Rad 1 0449
1545 1545 000001011 05:15:07 Gatsometer

Date Due 6/1/07	Fine Amount Due \$40
---------------------------	--------------------------------



HOW DOES THIS TYPE OF SPEED ENFORCEMENT WORK?

A 5° wide K-Band radar beam using Doppler radar is projected at a 20° angle across the road from the front of the vehicle or stationary radar unit. The unit takes 200-300 speed calculations per second. Deployment logs are completed and validated by authorized operators to ensure proper setup, testing, and operation of the unit. When the radar control unit detects a vehicle in the beam traveling at or greater than the speed specified for that location, it instructs the camera control unit to take a photograph of the detected vehicle. A copy of the certified log, photographs that show the violation and a close-up of the rear of the vehicle will be provided as evidence for any adjudication of this ticket.

I WAIVE MY RIGHT TO A HEARING AND ELECT TO PAY. Payment is considered an admission of liability.

IF YOUR PAYMENT IS NOT RECEIVED WITHIN (30) CALENDAR DAYS OF THE MAIL DATE OF THE TICKET,
A PENALTY IN THE AMOUNT OF \$25 WILL BE ASSESSED

Payment Options:

PAY BY WEB: Go to www.montgomerycountymd.gov to pay via credit card (VISA/MC). Select Dept. of Police and click on Safe Speed.

PAY BY PHONE: Call 1-866-818-3844 and follow the automated prompts. Please have your ticket number and credit card ready.

PAY BY MAIL: Check or money order should be made payable to **Montgomery County**. Mail your payment and remittance stub to: P.O. Box 10549, Rockville, MD 20849. Write the citation number and license plate number on your check or money order TO ENSURE PROPER CREDIT. Returned checks are subject to electronic redeposit for the face amount and a returned check fee of \$35.00. **DO NOT SEND CASH.**

WALK-IN PAYMENTS: Pay in person (Monday-Friday) at 4040 Blackburn Ln. (Suite 200)-(8:00am-5:00pm), Burtonsville, MD; 801 Ellsworth Dr.-(7:30am-4:30pm), Silver Spring, MD; 4720 Cheltenham Dr.-(7:30am-4:30pm), Bethesda, MD; or 255 Rockville Pike-(8:00am-4:30pm), Rockville, MD. Methods of payment accepted are cash, check, money order or credit card (Visa/MC).

Both the District Court and the Department of Police will make any reasonable accommodation for persons with disabilities. Requests should be directed to the appropriate agency prior to visiting the facility. **Safe Speed Customer Service, 1-866-818-3844, District Court: Judy Lohman (301) 279-1520.**

ADJUDICATION:

- 1) To request a hearing, complete the request form below and return it to: P.O. Box 10549, Rockville, MD 20849. You must appear in Court or pay the citation by the scheduled court date to avoid being assessed court fees.
- 2) If you, as the registered owner were not operating the vehicle at the time of this infraction and choose to identify the person who was, you must provide a sworn statement to the District Court mailed by certified mail, return receipt requested. The statement must provide the name and address, and, if possible, the driver's license number of the person operating the vehicle and any other corroborating evidence. Send your request to: xxxxxx
- 3) If you want to request the speed monitoring system operator be present and testify at the hearing, you must notify the District Court in writing no later than (20) days before your scheduled hearing date. Send your request to: xxxxxx



(Detach and Return to Request Court)

☐ I DO CONTEST AND ELECT A HEARING. CITATION # _____
You will receive notice of the time, date and place of the hearing.

MY VEHICLE WAS STOLEN

☐ The owner shall submit proof that a police report regarding a stolen motor vehicle or registration plate was filed in a timely manner.

Appendix I
Speed Camera Enforcement Locations in the County

Montgomery County								
Camera Number	Enforcement Site Location	Block	Direction	Speed Limit (MPH)	Number of Lanes	School Zone or Residential District?	Fixed or Mobile?	Active Date
1004	Cedar Ln.	10000	EB	30	1	Residential	Mobile	23-Apr-07
1005	Grosvenor Ln.	5800	EB	25	1	Residential	Mobile	23-Apr-07
1007	Dufief Mill Rd.	14500	SB	35	1	Residential	Mobile	23-Apr-07
1010	Glen Rd.	9600	WB	30	1	Residential	Mobile	23-Apr-07
1011	Bells Mill Rd.	8700	EB	30	1	Residential	Mobile	23-Apr-07
1012	Apple Ridge Rd.	9800	EB	25	1	Residential	Mobile	23-Apr-07
1014	Arcola Ave.	2000	WB	30	1	Residential	Mobile	23-Apr-07
1017	Cedar Ln.	10000	WB	30	1	Residential	Mobile	23-Apr-07
1018	Calverton Blvd.	3000	EB	30	1	Residential	Mobile	23-Apr-07
1021	Arcola Ave.	1800	WB	30	1	Residential	Mobile	23-Apr-07
1022	Apple Ridge Rd.	9800	WB	25	1	Residential	Mobile	23-Apr-07
1025	Arcola Ave.	1900	EB	30	1	Residential	Mobile	23-Apr-07
1029	Bells Mill Rd.	8600	WB	30	1	Residential	Mobile	23-Apr-07
1032	Montgomery Village Ave.	19800	NB	35	2	Residential	Mobile	23-Apr-07
1035	Montgomery Village Ave.	19800	SB	35	2	Residential	Mobile	23-Apr-07
1038	Arcola Ave.	2000	EB	30	1	Residential	Mobile	23-Apr-07
1040	Apple Ridge Rd.	10100	WB	25	1	Residential	Mobile	23-Apr-07
1041	Calverton Blvd.	3000	WB	30	1	Residential	Mobile	23-Apr-07
1042	Parkland Dr.	13100	NB	25	1	Residential	Mobile	6-Jun-07
1045	Plyers Mill Rd.	3100	EB	30	1	Residential	Mobile	20-Jun-07
1046	Plyers Mill Rd.	2800	WB	30	1	Residential	Mobile	21-Jun-07
1051	Glen Rd.	10000	EB	30	1	School Zone	Mobile	29-Jun-07
1062	Tilden Ln.	6500	EB	30	1	Residential	Mobile	16-Jan-08
1063	Tilden Ln.	6000	WB	30	1	School Zone	Mobile	16-Jan-08
1064	Tilden Ln.	6500	WB	30	1	Residential	Mobile	16-Jan-08
1065	Cashell Rd.	16700	SB	35	1	Residential	Mobile	21-Mar-08
1066	Cashell Rd.	17200	NB	35	1	Residential	Mobile	21-Mar-08
1072	Gainsborough Rd.	11500	NB	25	1	Residential	Mobile	7-Mar-08
1073	Gainsborough Rd.	11500	SB	25	1	Residential	Mobile	7-Mar-08
1074	Hines Rd.	4200	EB	35	1	Residential	Mobile	12-Mar-08
1075	Hines Rd.	4200	WB	35	1	Residential	Mobile	12-Mar-08
1076	Dale Dr.	200	WB	30	1	Residential	Mobile	19-Mar-08
1077	Dale Dr.	100	EB	30	1	Residential	Mobile	18-Mar-08
1078	Seminary Rd.	2500	WB	30	1	Residential	Mobile	13-Mar-08
1079	Seminary Rd.	2500	EB	30	1	Residential	Mobile	12-Mar-08
1080	Aspen Hill Rd.	4600	SB	30	1	Residential	Mobile	13-Mar-08
1081	Aspen Hill Rd.	4600	NB	30	1	Residential	Mobile	12-Mar-08
1083	Strathmore Ave.	4900	EB	30	1	School Zone	Mobile	25-Mar-08
1084	Strathmore Ave.	4900	WB	30	1	School Zone	Mobile	22-Mar-08
1086	Dale Dr.	1300	EB	30	1	Residential	Mobile	25-Mar-08
1089	Sorrel Ave.	10100	SB	25	1	Residential	Mobile	27-Mar-08
1091	Sorrel Ave.	10100	NB	25	1	Residential	Mobile	23-Apr-08
1093	Dale Dr.	1300	WB	30	1	Residential	Mobile	1-May-08

Appendix I
Speed Camera Enforcement Locations in the County

1094	Stonebridge View Dr.	14500	WB	25	1	Residential	Mobile	18-Nov-08
1095	Stonebridge View Dr.	14600	EB	25	1	Residential	Mobile	18-Nov-08
1096	Brookville Rd.	7700	NB	25	1	Residential	Mobile	5-Dec-08
1097	Brookville Rd.	7700	SB	25	1	Residential	Mobile	5-Dec-08
1098	Sangamore Rd.	5000	SB	30	1	Residential	Mobile	13-Jan-09
1099	Gainsborough Rd.	10800	SB	25	1	School Zone	Mobile	20-Feb-09
1100	W. Old Baltimore Rd.	12708	WB	35	1	Residential	Mobile	20-Feb-09
1101	W. Old Baltimore Rd.	12800	EB	35	1	Residential	Mobile	20-Feb-09
1102	Oak Dr.	25400	WB	30	1	School Zone	Mobile	20-Feb-09
1103	Oak Dr.	25400	EB	30	1	School Zone	Mobile	24-Feb-09
1104	Barnesville Rd.	18900	EB	40	1	School Zone	Mobile	4-Mar-09
1106	Parkland Dr.	13100	SB	25	1	Residential	Mobile	27-Mar-09
1107	Forest Glen Rd.	1600	EB	30	1	Residential	Mobile	8-May-09
1108	Cromwell Dr.	5500	NB	25	1	Residential	Mobile	8-May-09
1110	Barnesville Rd.	18200	EB	30	1	Residential	Mobile	9-May-09
1111	Barnesville Rd.	18200	WB	30	1	Residential	Mobile	12-May-09
1301	Randolph Rd.	3300	EB	35	3	School	Fixed	21-Sep-07
1302	Randolph Rd.	3300	WB	35	3	School	Fixed	21-Sep-07
1303	Randolph Rd.	4600	EB	35	3	Residential	Fixed	26-Oct-07
1304	Randolph Rd.	4600	WB	35	2	Residential	Fixed	26-Oct-07
1305	Montgomery Village Ave.	18600	NB	35	2	Residential	Fixed	21-Nov-07
1306	Montgomery Village Ave.	18600	SB	35	2	Residential	Fixed	21-Nov-07
1307	Wayne Ave.	600	EB	30	2	School	Fixed	16-Nov-07
1308	Wayne Ave.	300	WB	30	2	School	Fixed	16-Nov-07
1309	Travilah Rd.	13500	NB	30	1	Residential	Fixed	17-Dec-07
1310	Travilah Rd.	13600	SB	30	1	Residential	Fixed	13-Dec-07
1311	Dufief Mill Rd.	14000	SB	35	1	Residential	Fixed	28-Dec-07
1312	Briggs Chaney Rd.	1000	SB	35	1	Residential	Fixed	15-Jan-08
1313	Briggs Chaney Rd.	1000	NB	35	1	Residential	Fixed	15-Jan-08
1314	Bel Pre Rd.	3200	EB	35	2	Residential	Fixed	15-Jan-08
1315	Bel Pre Rd.	3100	WB	35	2	Residential	Fixed	15-Jan-08
1316	Richter Farm Rd.	14400	EB	35	2	Residential	Fixed	28-Feb-08
1317	Richter Farm Rd.	14400	WB	35	2	Residential	Fixed	28-Feb-08
1318	Powder Mill Rd.	2000	EB	35	2	Residential	Fixed	12-Feb-08
1319	Powder Mill Rd.	2000	WB	35	2	Residential	Fixed	12-Feb-08
1320	Grosvenor Ln.	5800	WB	25	1	Residential	Fixed	1-Feb-08
1321	Piney Branch Rd.	7600	NB	30	1	School	Fixed	16-Feb-08
1322	Piney Branch Rd.	7900	SB	30	1	School	Fixed	16-Feb-08
1323	Fisher Ave.	19500	NB	30	1	Residential	Fixed	14-Mar-08
1324	Fisher Ave.	19400	SB	30	1	Residential	Fixed	14-Mar-08
1325	Fisher Ave.	20100	NB	25	1	Residential	Fixed	14-Mar-08
1326	Fisher Ave.	20100	SB	25	1	Residential	Fixed	14-Mar-08
1327	Woodfield Rd.	24200	NB	30	1	School	Fixed	28-Mar-08
1328	Woodfield Rd.	24200	SB	30	1	School	Fixed	28-Mar-08
1329	Georgia Ave.	17700	NB	30	2	Residential	Fixed	9-May-08
1330	River Rd.	13500	EB	35	1	Residential	Fixed	26-Jun-08
1331	Democracy Blvd.	6400	EB	35	3	School	Fixed	12-Dec-08
1332	Democracy Blvd.	6400	WB	35	3	School	Fixed	12-Dec-08

Appendix I
Speed Camera Enforcement Locations in the County

1333	Darnestown Rd.	14200	EB	30	1	Residential	Fixed	26-Dec-08
1334	Darnestown Rd.	13600	WB	30	1	Residential	Fixed	26-Dec-08
1335	Schaeffer Rd.	14400	EB	30	1	Residential	Fixed	31-Dec-08
1336	Schaeffer Rd.	14500	WB	30	1	Residential	Fixed	8-Jan-09
1337	East-West Hwy.	4300	WB	25	2	School	Fixed	10-Apr-09
1338	Tuckerman Ln.	8700	WB	35	1	School	Fixed	31-Dec-08
1339	Brookville Rd.	9200	NB	25	1	Residential	Fixed	30-Jan-09
1340	Brookville Rd.	9300	SB	25	1	School	Fixed	26-Dec-08
1341	Georgia Ave.	19600	NB	30	1	Residential	Fixed	23-Jan-09
1342	Wilson Ln.	6400	EB	30	1	School	Fixed	8-Jan-09
1343	Wilson Ln.	6100	WB	30	1	School	Fixed	16-Jan-09
1344	Seven Locks Rd.	9800	SB	35	1	School	Fixed	6-Feb-09
1345	Germantown Rd.	15500	NB	30	1	Residential	Fixed	23-Jan-09
1346	Germantown Rd.	15700	SB	30	1	Residential	Fixed	23-Jan-09
1347	River Rd.	9800	WB	30	1	Residential	Fixed	30-Jan-09
1348	Ridge Rd.	27000	SB	30	1	Residential	Fixed	17-Feb-09
1349	Quince Orchard Rd.	1030	SB	35	2	Residential	Fixed	14-Feb-09
1350	Kemp Mill Rd.	11700	NB	30	1	School	Fixed	15-Apr-09
1351	Glen Mill Rd.	14000	SB	30	1	School	Fixed	22-Apr-09
1352	Oaklyn Dr.	10500	EB	35	1	Residential	Fixed	22-Apr-09
1353	Oaklyn Dr.	10200	WB	35	1	Residential	Fixed	22-Apr-09
1354	Russett Rd.	5100	WB	25	1	School	Fixed	10-Apr-09
1355	Russett Rd.	5200	EB	25	1	Residential	Fixed	10-Apr-09
1356	Seven Locks Rd.	6900	SB	30	1	Residential	Fixed	10-Apr-09
1357	Seven Locks Rd.	6700	NB	30	1	Residential	Fixed	22-Apr-09
1358	Olney-Sandy Springs Rd.	1500	EB	30	1	School	Fixed	10-Apr-09
1359	Olney-Sandy Springs Rd.	1300	WB	30	1	School	Fixed	15-Apr-09
1360	Wisteria Dr.	12500	EB	30	1	School	Fixed	1-May-09

City of Rockville

Camera Number	Enforcement Site Location	Block	Direction	Speed Limit (MPH)	Number of Lanes	School Zone or Residential District?	Fixed or Mobile?	Active Date
2001	Twinbrook Pkwy.	700	NB	25	1	Residential	Mobile	12-Mar-07
2002	Great Falls Rd.	500	SB	30	1	Residential	Mobile	12-Mar-07
2011	Twinbrook Pkwy.	400	NB	25	1	Residential	Mobile	12-Mar-07
2012	Twinbrook Pkwy.	700	SB	25	1	Residential	Mobile	12-Mar-07
2013	Nelson St.	600	EB	25	1	Residential	Mobile	12-Mar-07
2014	Nelson St.	600	WB	25	1	Residential	Mobile	12-Mar-07
2021	Nelson St.	200	NB	25	1	Residential	Mobile	12-Mar-07
2022	Twinbrook Pkwy.	400	SB	25	1	Residential	Mobile	12-Mar-07
2023	College Pkwy.	400	EB	25	1	Residential	Mobile	12-Mar-07
2024	Baltimore Rd.	300	WB	25	1	Residential	Mobile	12-Mar-07
2031	College Pkwy.	800	NB	25	1	Residential	Mobile	12-Mar-07
2032	Mount Vernon Pl.	500	SB	25	1	Residential	Mobile	12-Mar-07
2033	Baltimore Rd.	300	EB	25	1	Residential	Mobile	12-Mar-07
2034	Rollins Ave.	600	WB	25	1	Residential	Mobile	12-Mar-07

Appendix I
Speed Camera Enforcement Locations in the County

2041	First St.	1000	NB	25	1	Residential	Mobile	12-Mar-07
2042	Gaither Rd.	1000	SB	30	1	Residential	Mobile	12-Mar-07
2043	Rollins Ave.	600	EB	25	1	Residential	Mobile	12-Mar-07
2044	West Montgomery Ave.	400	WB	30	1	Residential	Fixed	12-Apr-08
2051	Mount Vernon Pl.	500	NB	25	1	Residential	Mobile	12-Mar-07
2052	Baltimore Rd.	2100	SB	25	1	School Zone	Fixed	4-Sep-07
2053	West Montgomery Ave.	500	EB	30	1	Residential	Fixed	12-Apr-08
2071	Baltimore Rd.	2100	NB	25	1	School Zone	Fixed	4-Sep-07
2081	Wooton Pkwy.	2100	NB	25	1	School Zone	Mobile	30-Mar-07
2091	Wooton Pkwy.	2200	NB	25	1	School Zone	Fixed	4-Sep-07
2092	Wooton Pkwy.	2200	SB	25	1	School Zone	Fixed	4-Sep-07
2100	Glenora Ln.	2900	NB	25	1	Residential	Mobile	5-Jan-09
2101	Glenora Ln.	2800	SB	25	1	Residential	Mobile	5-Jan-09
2102	Hurley Ave.	400	NB	25	1	Residential	Mobile	5-Jan-09
2103	Hurley Ave.	400	SB	25	1	Residential	Mobile	5-Jan-09
2104	Gerard St.	1400	NB	25	1	Residential	Mobile	5-Jan-09
2105	Gerard St.	1400	SB	25	1	Residential	Mobile	5-Jan-09
2106	Dunster Rd.	1500	EB	25	1	Residential	Mobile	5-Jan-09
2107	Dunster Rd.	1500	WB	25	1	Residential	Mobile	5-Jan-09
2108	Sunrise Dr.	1700	NB	25	1	Residential	Mobile	5-Jan-09
2109	Sunrise Dr.	1700	SB	25	1	Residential	Mobile	5-Jan-09
2110	Cabin John Pkwy.	700	NB	25	1	Residential	Mobile	5-Jan-09
2112	Edmonston Dr.	700	WB	25	1	Residential	Mobile	5-Jan-09
2113	Edmonston Dr.	200	EB	25	1	Residential	Mobile	5-Jan-09
2114	Edmonston Dr.	300	WB	25	1	Residential	Mobile	5-Jan-09
2115	Edmonston Dr.	1200	EB	25	1	Residential	Mobile	5-Jan-09
2116	Edmonston Dr.	1200	WB	25	1	Residential	Mobile	5-Jan-09
2117	Edmonston Dr.	500	NB	25	1	Residential	Mobile	5-Jan-09
2118	Edmonston Dr.	300	EB	25	1	Residential	Mobile	5-Jan-09
2119	Grandin Ave.	1000	SB	25	1	Residential	Mobile	5-Jan-09
2120	Grandin Ave.	1100	NB	25	1	Residential	Mobile	5-Jan-09
2121	Grandin Ave.	1300	SB	25	1	Residential	Mobile	5-Jan-09
2122	Broadwood Dr.	300	NB	25	1	Residential	Mobile	5-Jan-09
2123	Broadwood Dr.	300	SB	25	1	Residential	Mobile	5-Jan-09
2124	Broadwood Dr.	1200	NB	25	1	Residential	Mobile	5-Jan-09
2125	Broadwood Dr.	1500	SB	25	1	Residential	Mobile	5-Jan-09
2126	Ardenne Ave.	12000	SB	25	1	Residential	Mobile	5-Jan-09
2127	Ardenne Ave.	13000	SB	25	1	Residential	Mobile	5-Jan-09
2128	Fallsgrove Dr.	500	EB	25	1	Residential	Mobile	5-Jan-09
2129	Fallsgrove Dr.	500	WB	25	1	Residential	Mobile	5-Jan-09
2132	Mannakee St.	50	SB	25	1	Residential	Mobile	5-Jan-09
2133	Mannakee St.	500	NB	25	1	Residential	Mobile	5-Jan-09
2134	Mannakee St.	600	SB	25	1	Residential	Mobile	5-Jan-09
2135	Martins Ln.	300	EB	25	1	Residential	Mobile	5-Jan-09
2136	Martins Ln.	300	WB	25	1	Residential	Mobile	5-Jan-09
2137	Mannakee St.	500	SB	25	1	Residential	Mobile	5-Jan-09
2138	Mannakee St.	50	NB	25	1	Residential	Mobile	5-Jan-09
2201	Redland Blvd.	500	WB	30	1	Residential	Fixed	19-Jun-09

Appendix I
Speed Camera Enforcement Locations in the County

2202	Redland Blvd.	550	EB	30	1	Residential	Fixed	19-Jun-09
2203	Great Falls Rd.	600	NB	30	1	Residential	Fixed	19-Jun-09
2204	Twinbrook Pkwy.	700	NB	25	1	Residential	Fixed	19-Jun-09

Chevy Chase Village								
Camera Number	Enforcement Site Location	Block	Direction	Speed Limit (MPH)	Number of Lanes	School Zone or Residential District?	Fixed or Mobile?	Active Date
3001	Connecticut Ave.	6100	NB	30	3	Residential	Fixed	01-Mar-08
3002	Connecticut Ave.	6200	SB	30	3	Residential	Fixed	01-Mar-08
3003	Oliver St.	3900	EB	20	1	School	Mobile	01-Oct-07
3004	Oliver St.	3900	WB	20	1	School	Mobile	02-Oct-07
3013	Grafton St.	1st Unit	EB	25	1	Residential	Mobile	03-Oct-07
3021	Brookville Rd.	6600	NB	25	1	Residential	Mobile	04-Oct-07
3022	Brookville Rd.	6500	SB	25	1	Residential	Mobile	05-Oct-07
3041	Connecticut Ave.	5900	NB	30	3	Residential	Mobile	06-Oct-07
3042	Connecticut Ave.	6000	SB	30	3	Residential	Mobile	07-Oct-07
3051	Connecticut Ave.	5900	NB	30	3	Residential	Mobile	08-Oct-07
3052	Connecticut Ave.	6400	SB	30	3	Residential	Mobile	09-Oct-07

City of Gaithersburg								
Camera Number	Enforcement Site Location	Block	Direction	Speed Limit (MPH)	Number of Lanes	School Zone or Residential District?	Fixed or Mobile?	Active Date
4003	Quince Orchard Blvd.	700	EB	25	1	School Zone	Mobile	13-Aug-07
4004	Quince Orchard Blvd.	700	WB	25	1	School Zone	Mobile	13-Aug-07
4007	West Deer Park Rd.	Unit	EB	25	2	Residential	Mobile	13-Aug-07
4008	West Deer Park Rd.	Unit	WB	25	2	Residential	Mobile	13-Aug-07
4010	West Deer Park Rd.	200	WB	25	2	Residential	Mobile	13-Aug-07
4011	West Deer Park Rd.	200	EB	25	2	Residential	Mobile	13-Aug-07
4013	Quince Orchard Blvd.	800	EB	25	1	School Zone	Fixed	14-Apr-08
4014	Quince Orchard Blvd.	800	WB	25	1	School Zone	Fixed	14-Apr-08
4015	Watkins Mill Rd.	18600	EB	35	1	Residential	Fixed	24-Sep-07
4016	Watkins Mill Rd.	18600	WB	35	1	Residential	Fixed	24-Sep-07
4017	Diamond Dr.	800	NB	25	1	Residential	Mobile	29-Aug-08
4018	Diamond Dr.	800	SB	25	1	Residential	Mobile	29-Aug-08
4020	Quince Orchard Rd.	1000	EB	35	2	Residential	Mobile	29-Jan-09

City of Takoma Park								
Camera Number	Enforcement Site Location	Block	Direction	Speed Limit (MPH)	Number of Lanes	School Zone or Residential District?	Fixed or Mobile?	Active Date
5001	Ethan Allen Ave.	500	EB	35	1	Residential	Fixed	1-Apr-09
5002	Ethan Allen Ave.	500	WB	35	1	Residential	Fixed	1-Apr-09
5003	New Hampshire Ave.	7100	NB	35	3	Residential	Fixed	1-Apr-09
5004	New Hampshire Ave.	7200	SB	35	3	Residential	Fixed	1-Apr-09

Appendix J

MEMORANDUM OF UNDERSTANDING

This memorandum of understanding between Montgomery County Maryland and the Mayor and Council of Rockville (the "City") sets forth agreed upon expectations by these two parties pertaining to the collection of fines from photo speed monitoring systems.

Montgomery County agrees that it will collect the fines paid in connection with citations issued by the City of Rockville Police Department as a result of a photo speed monitoring enforcement program that has been established by the City in accordance with provisions of State law. Montgomery County agrees that all fines collected by Montgomery County as a result of the issuance of a citation from the City of Rockville Police Department will be remitted in full to the municipality on a quarterly basis. Montgomery County will not charge an administrative fee for the collection and remittance of the fine, provided that the resources required for collection do not materially interfere with the other duties of the County's Department of Finance.

However, it is agreed that the City and the County will each be responsible for all costs due any vendor managing a speed monitoring system within their respective jurisdictions pursuant to a lawful contract, and any cost or charges from the Maryland Motor Vehicles Administration (MVA) for "flagging" vehicle registrations as a result of non-payment of a citation issued under the photo radar speed monitoring program.

In the event that the County finds that the collection and remittance of fines to the City does materially interfere with the other duties of the County's Department of Finance, the County will notify the City and will not charge any administrative fee until at least 60 days after such notice. Staff from the City of Rockville and the County will meet to discuss the most cost effective manner in which to administer the collection and remittance of these revenues.

The City agrees that it will use the revenues generated from a photo speed monitoring program solely to increase expenditures for related public safety purposes, including pedestrian safety programs. Related public safety expenditures shall be used to supplement and not supplant existing expenditures for the same purposes.

The City of Rockville will pursue, and Montgomery County will support, a legislative remedy in the 2007 legislative session that will allow the City to collect fines directly. At such time as the remedy is enacted and the City establishes its own collection mechanism, this memorandum of understanding will cease to be binding and Montgomery County will no longer collect fines from citations issued by the City of Rockville Police Department.

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If the General Assembly does not amend the existing law, staff from the County and the City will meet annually to discuss the most efficient manner to collect and remit these revenues.

Montgomery County, Maryland

By: 
Bruce Romer, Chief Administrative Officer

Date: : 3-22-06

The Mayor and Council of Rockville

By: 
Scott Ullery, City Manager

Date: : 3/21/06

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding between Montgomery County Maryland and Chevy Chase Village (the "Village") sets forth agreed upon expectations by these two parties pertaining to the collection of fines from photo speed monitoring systems.

Montgomery County agrees that it will collect the fines paid in connection with citations issued by the Chevy Chase Village Police Department as a result of a photo speed monitoring enforcement program that has been established by the Village in accordance with provisions of State law. Montgomery County agrees that all fines collected by Montgomery County as a result of the issuance of a citation from the Chevy Chase Village Police Department will be remitted in full to the municipality on a monthly basis. Montgomery County will not charge an administrative fee for the collection and remittance of the fine, provided that the resources required for collection do not materially interfere with the other duties of the County's Department of Finance.

However, it is agreed that the Village and the County will each be responsible for all costs due any vendor managing a speed monitoring system within their respective jurisdictions pursuant to a lawful contract, and any cost or charges from the Maryland Motor Vehicles Administration (MVA) for "flagging" vehicle registrations as a result of non-payment of a citation issued under the photo speed monitoring program.

If the Village selects a different vendor for its speed monitoring equipment and related supplies and services than the County selects as a result of the County's competitive procurement process, the Village will be responsible for any additional costs to the County that results as a consequence of the Village's use of a different vendor, including, but not limited to, County employee or contractor personnel costs, software or equipment modifications, or other costs.

In the event that the County finds that the collection and remittance of fines to the Village does materially interfere with the other duties of the County's Department of Finance, the County will notify the Village and will not charge any administrative fee until at least 60 days after such notice. Staff from the Village and the County will meet to discuss the most cost effective manner in which to administer the collection and remittance of these revenues.

The Village agrees that it will use the revenues generated from a photo speed monitoring program solely to increase expenditures for related public safety purposes, including pedestrian safety programs. Related public safety expenditures shall be used to supplement and not supplant existing expenditures for the same purposes.

The Village will pursue, and Montgomery County will support, a legislative remedy in the 2007 legislative session that will allow the Village to collect fines directly. At such time as the remedy is enacted and the Village establishes its own collection mechanism, this memorandum of understanding will cease to be binding and Montgomery County

will no longer collect fines from citations issued by the Chevy Chase Village Police Department.

If the General Assembly does not amend the existing law, staff from the County and the Village will meet annually to discuss the most efficient manner to collect and remit these revenues.

Montgomery County, Maryland

By: 
Bruce Romer, Chief Administrative Officer

Date: 8-31-06

Chevy Chase Village

By: 
Geoffrey B. Biddle, Village Manager

Date: 8/30/06

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding between Montgomery County, Maryland ("Montgomery County") and the City of Takoma Park ("Takoma Park") sets forth agreed upon expectations by these two parties pertaining to the collection of fines from photo speed monitoring systems. This understanding also replaces and makes obsolete any previous agreements between Takoma Park and Montgomery County pertaining to the collection of fines associated with speed monitoring camera programs.

Montgomery County agrees that it will collect the fines paid in connection with citations issued by the Takoma Park Police Department as a result of a photo speed monitoring (Safe Speed) enforcement program that has been established by Takoma Park in accordance with the provisions of State law. Montgomery County agrees that all fines collected by Montgomery County as a result of the issuance of a citation from the Takoma Park Police Department will be remitted in full to the municipality on a monthly basis. For the duration of this Memorandum of Understanding, Montgomery County will not charge an administrative fee for the collection and remittance of the fine, provided that the resources required for collection do not materially interfere with the other duties of the County's Department of Finance.

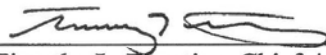
However, it is agreed that Takoma Park and Montgomery County will each be responsible for all costs due any vendor managing a speed monitoring system within their respective jurisdictions pursuant to a lawful contract, and any cost or charges from the Maryland Motor Vehicles Administration (MVA) for "flagging" vehicle registrations as a result of non-payment of a citation issued under the photo speed monitoring program. Takoma Park will also be responsible for the reimbursement of credit card fees incurred by any individual paying a Safe Speed citation issued by its program.

If Takoma Park selects a different vendor for its speed monitoring equipment and related supplies and services than the County selects as a result of the County's competitive procurement process, Takoma Park will be responsible for any additional costs to the County that results as a consequence of Takoma Park's use of a different vendor, including, but not limited to, County employee or contractor personnel costs, software or equipment modifications, or other costs.

Staff from the County and Takoma Park will meet annually to discuss the most efficient manner to collect and remit these revenues.

This Memorandum of Understanding will expire on May 15, 2009.

Montgomery County, Maryland

By: 
Timothy L. Firestine, Chief Administrative Officer

Date: 4/20/2009

City of Takoma Park

By: 
Barbara B. Matthews, City Manager

Date: 04-14-09